



CANADA

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 26, 2010**

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**Speaker: The Honourable Peter Milliken**

## **CONTENTS**

(Table of Contents appears at back of this issue.)

# HOUSE OF COMMONS

Tuesday, October 26, 2010

The House met at 10 a.m.

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*Prayers*

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• (1005)

[*Translation*]

## VACANCY

PRINCE GEORGE—PEACE RIVER

**The Speaker:** Order, please. It is my duty to inform the House that a vacancy has occurred in the representation, namely Jay Hill, member for the electoral district of Prince George—Peace River, by resignation effective October 25, 2010.

[*English*]

Pursuant to subsections 25(1)(b) and 26(1) of the Parliament of Canada Act, a warrant has been addressed to the Chief Electoral Officer for the issue of a writ for the election of a member to fill this vacancy.

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## ROUTINE PROCEEDINGS

[*English*]

### CANADIAN FORCES PROVOST MARSHAL

**Hon. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, pursuant to Standing Order 32(2) I have the pleasure to table, in both official languages, copies of the 2009 annual report, “Canada’s Front Line Police Service of the Canadian Forces Provost Marshal”.

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### PETITIONS

NORTH KOREAN REFUGEES

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am pleased to present, on behalf of several hundred residents of the Toronto, North York and Mississauga areas, a petition that calls upon the House of Commons and the Government of Canada to support my Motion No. 383 and vigorously participate in an international effort urging the People's Republic of China to ensure the safe passage of North Korean refugees to South Korea.

Thousands upon thousands of North Korean refugees flee that despotic regime every year. They find themselves in the People's

Republic of China and, unfortunately, far too often the government of the People's Republic of China returns them to North Korea. This means certain torture, punishment and, for many of them, death.

This petition from the residents of the greater Toronto area calls upon the government to support my Motion No. 383, which would make Canada an internationally strong intervenor to ensure that the People's Republic of China treats these North Korean citizens as true refugees and does not return them to North Korea's despotic and tyrannical regime.

PASSPORT FEES

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, my petition calls upon the Canadian government to negotiate with the United States government to reduce the United States and Canadian passport fees. The number of American tourists visiting Canada is now at its lowest level since 1972. It has fallen by 5 million visits in the last seven years, from 16 million visitors in 2002 to 11 million in 2009. Passport fees for an American family of four can be over \$500 U.S.. While 50% of Canadians have passports, only 25% of Americans have passports.

At the recent Midwestern Legislative Conference of the Council of State Governments, attended by myself and over 500 elected representatives from 11 border states and 3 provinces, the following resolution was passed unanimously:

RESOLVED that [the] Conference calls on President Barack Obama and [the Canadian] Prime Minister...to immediately examine a reduced fee for passports to facilitate cross-border tourism; and be it further

RESOLVED, that [the Conference] encourage[s] the governments to examine the idea of a limited time two-for-one passport renewal or new application;

To be a fair process, passport fees must be reduced on both sides of the border. Therefore, the petitioners call upon the government to work with the American government to examine a mutual reduction in passport fees to facilitate tourism and, finally, promote a time limited two-for-one passport renewal or new application fee on a mutual basis with the United States.

VIA RAIL

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Madam Speaker, it is my pleasure to present a petition from two different ridings in support of my passenger rail bill.

*Government Orders*

VIA Rail was cut several decades ago along the north shore of Lake Superior and through Thunder Bay. The small towns of Schreiber, Marathon and Terrace Bay are now isolated. Quite often, bus service is not adequate. Many people who live along the north shore of Lake Superior have signed this petition in support of restoring rail service along that route.

I have another petition to present from people outside of my riding in support of my passenger rail bill. These petitioners are from Dryden and the riding of Thunder Bay—Rainy River and they support their brethren along the north shore of Lake Superior.

It is my great pleasure to present many petitions regarding VIA rail passenger service along the north shore.

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**QUESTIONS ON THE ORDER PAPER**

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

**The Acting Speaker (Ms. Denise Savoie):** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[English]

**FAIRNESS AT THE PUMPS ACT**

The House resumed from October 25 consideration of the motion that Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act, be read the third time and passed.

**The Acting Speaker (Ms. Denise Savoie):** Resuming debate. The hon. member for Burnaby—New Westminster has about 13 and a half minutes left.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, members will recall that when I was speaking yesterday I began by praising the member for Windsor West for his determination to force the government to take measures to stop the rip-off of ordinary Canadian families through both gas price gouging that we have seen across this country and from the whole issue of faulty gas pumps, pumps that do not give us the gas for which we are paying.

Even though the government has known about this issue for two years, and despite election promises to the contrary where it said that it would take action, rather than intervening and doing something, it has finally come forward with this bill. However, it is only because of pressure from the member for Windsor West and the entire NDP caucus pushing the Conservative government to finally take action.

As we know, the Conservatives love their gravy train and the gravy train that they give to financial institutions, the petroleum companies and telecommunications companies which does not seem to have a limit. No matter how much the public is ripped off, the Conservatives seem to feel that is okay. However, it is increasingly not okay with the public, which is why the member for Windsor West and his work is so important in this House.

Bill C-14, which is before us today, is a poor half-measure but we would not even have this poor half-measure before the House if it were not for the work of the member for Windsor West.

What we have seen from the Conservatives since they have come to power is progressively allowing the public to be ripped off and ordinary Canadian families to have their pockets picked without any sort of intervention or any sort of government responsibility being taken. We have the finance minister who, after it became clear that there was a major rip-off by financial institutions of ordinary Canadian families, wrote a letter to those financial institutions. That was the sum total of his work.

We see the same thing when we talk about gas price rip-offs. It has been very clear for years that gas prices were being manipulated. The large and incredibly profitable petroleum companies jack up world prices and automatically the retail price goes up and the retailers, the mom and pop operations, have no choice. I have talked to many of them and they say that they are being told to raise prices immediately. They have to live with that despite the fact that it is local people who are most impacted. The world prices go up on old stock and prices spike up, with windfall profits. Over the course of a weekend, particularly holiday weekends when there is a lot of travelling, those prices are maintained.

The world prices may change and they may go down. The new stock comes in at a lower wholesale price but those high prices are maintained. They are jacked up immediately on old stock, with windfall profits there, and then as new stock comes in at a lower price, the prices are maintained for more windfall profits. The petroleum companies do not want to be too greedy. They know the degree of public tolerance of their practices is really coming to an end. They are testing public tolerance every year, so reluctantly they bring the prices down to something more akin to what actually matches the wholesale price.

We have known this for years and have seen this happen for years. Ordinary Canadian families, whether they live in the Lower Mainland of British Columbia, in Atlantic Canada, in central Canada in Ontario or Quebec, have to live with these rip-offs and the government has steadfastly refused to do anything to stand up for ordinary Canadian families at all, not one intervention.

We now come to the issue of the gas pump rip-offs, because this has been known for years as well. A study done by the *Ottawa Citizen* revealed that between 1999 and 2007, government inspections found that about 5% of pumps delivered less fuel than what was reported on the pump display, which means that 10,000 fuel pumps were overcharging hard-working ordinary Canadian families who are working harder and harder for less and less pay.

●(1010)

We also have seen a fall in real income over the last 20 years. The only people who are doing well in this country are the very wealthy who now take most of the income pie. That is something Conservatives do not like to talk about, but it is a reality just the same.

*Government Orders*

On the Liberal watch and on the Conservative watch, we have seen a hollowing out of the middle class. Poor Canadians have become much poorer and the wealthy now take most of that pie. They just sit down and gobble up most of the pie. What is left for the vast majority of Canadian families is a smaller and smaller piece of pie. Year after year, the wealthy take a larger and larger chunk, the middle class and poor Canadians a smaller and smaller chunk, and that is why real incomes have descended, even though the average Canadian family and the average Canadian worker is working harder than ever. Overtime has gone up over a third in the same period. We are seeing Canadian families struggling to make ends meet and working harder and harder for less and less pay.

As part of that whole dynamic, we have seen the government's inability to stand up for Canada. On the Conservative watch and the Liberal watch, we have seen the loss of half a million manufacturing jobs. Those were good, family sustaining jobs that were thrown out of the country by bad trade deals and dysfunctional trade policy. As a result, people are taking whatever job they can get, whether it is temporary or part time, which is often the case. The number of burger flippers in the country is expanding monumentally. The Conservatives love to stand up and say that, sure, we have lost half a million manufacturing jobs but we have created 400,000 burger flipper jobs. They somehow think that Canadians should praise them for replacing good, family sustaining jobs for jobs that are part time, temporary and low-paying. Somehow the Conservatives feel that they are economic geniuses in having achieved that end, the hollowing out of the Canadian economy, putting all of the Canadian economic levers into Bay Street, so that if one is a wealthy financial speculator, one is wealthier than ever, and nothing for middle class families.

That is where we come to the issue of the fuel pumps. We have 10,000 fuel pumps pumping less fuel than ordinary, hard-working Canadian families are paying for and the government has done nothing to intervene. It says nothing about this being absolutely outrageous. It does nothing to refund the tax it is getting from the consumers who are paying for less fuel than they receive. It has done nothing to organize an ombudsman department, as the member for Windsor West has called for, so that consumers would have somebody to go to, an ombudsman who would stand up for them. No, the Conservatives do not do that. They do not talk about refunds or any sort of compensation. They allow the rip-offs to go on for years and then finally but reluctantly, faced by enormous pressure from the NDP, they decide to bring in Bill C-14.

What does that do? Does it create the ombudsman office that consumers have been calling for? No. Does it actually allow for a refund or compensation for the years of rip-offs? No. Does it allow for any sort of refund of tax for what the government received from the consumers who were being ripped off? No.

What it does do is it allows for inspection. That is important, except that in most countries there is an impartial government inspection service. The Conservatives decide that what they can see as a profit centre. These mom and pop retailers and other retailers would now have to deal with mandatory inspections, which is a good thing. We would increase the number of government inspectors who would ensure those fuel pumps are accurate, which is also a good thing. However, instead of doing that, the Conservatives said no.

They said that they would allow private companies to come in and the mom and pop retailers would have to pay whatever the private companies decide they will pay so that they have these mandatory inspections. It is not as if the mom and pop operations can stop it. They do need to have the inspection, which is not a bad thing if the government provided the service out of our taxes. However, instead of doing that, the retailers would now have to pay whatever the private companies charge.

•(1015)

The member for Elmwood—Transcona spoke to this bill yesterday and what he said was extremely relevant.

This is just another example of how badly this government has attacked and let down rural and northern Canadians. We see it time and time again. We saw it with the softwood lumber sellout. It is as if the Conservatives did not care about the softwood lumber industry and signed the deal because they could spin it any way they wanted. It is as if they do not care how many northern and rural jobs were lost and they really do not care about northern and rural Canada. That is the Conservative message, whether we are talking about the softwood lumber sellout, about this kind of bill, or about a whole range of issues.

As we well know, the worst farmer seats in the country are in Alberta. The provincial Conservative government and the federal Conservative government are bad news for Alberta farmers. The worst farmer seats in the country are in the province of Alberta because Conservatives do not give a damn about rural or northern Canadians. They just do not.

What the Conservatives care about is Bay Street and the petroleum industry's CEOs. They care about a very narrow range of interests. They care about lobbyists. But when it comes to rural and northern Canadians, they do not give a damn. We can see this in Bill C-14, as the member for Elmwood—Transcona said.

Perhaps this idea of privatizing and allowing private companies to enforce mandatory inspections may work in urban Canada where there is some competition. In rural and northern Canada when the private companies, perhaps the petroleum companies, decide that they are going to run the inspection operations they are going to charge whatever they want. The mom and pop operations are just going to have to suck it up because that is the attitude of this Conservative government. It will make sure that the local mom and pop operations in rural and northern Canada are forced to pay whatever the big private companies want to force them to pay. Couple that with everything else that is not in this bill that should have been.

The fact is that the government waited for years and allowed the ripoffs to go on for years before it chose to do anything about it. It took goading and determination from the NDP once again to force the government to do anything. After all of that we see it is not even a half measure in dealing with gas price ripoffs.

*Government Orders*

The government, in an attempt at irony I imagine, tried to say this is the fairness at the pumps act. Very clearly, it is not fair. It does not deal with gas price gouging. Yes, it deals with mandatory inspections, but in a way that penalizes mom and pop retailers. It does not tell the petroleum companies that they were wrong to allow this practice to continue for so long. The government does not say *mea culpa* and that it is sorry. Consumers need the government to say it is sorry that it allowed the ripoffs and that it will make it right.

● (1020)

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Madam Speaker, I listened to the latter half of the speech by the hon. member for Burnaby—New Westminster regarding Bill C-14. He lives in a community in a province in which the wholesale price of gasoline tends to be a little higher than that in the rest of the country. He will recall that the mantra of the oil industry many years ago was to have Canadians pay world prices for fuel.

I wonder if the hon. member would care to comment on the fact that each and every day in Vancouver and region the wholesale price of gasoline and the price people pay at the pumps, ex tax, is 9¢ a litre above world prices.

I understand the member has taken some liberties with the issue of the *Ottawa Citizen* article a couple of years ago. I want to assure the hon. member that a 93.11% compliance rate in the retail gasoline sector, according to Measurement Canada, gives it the second highest rating of most industries in this country. It is perhaps a question of a dragon slayer in search of a dragon.

More specific to the question, I wonder if the hon. member could tell us what he thinks of the 9¢ a litre ripoff occurring in Vancouver today.

**Mr. Peter Julian:** Madam Speaker, I am aware, as are all members, of the member's work on this issue. He has been very dogged. The member for Elmwood—Transcona mentioned that it is the Liberal Party that allowed this originally. I think we make a distinction between the party and the member, and the member has done an exemplary job. He has put a lot of effort into the issue of gas prices. We need more members to take an interest in this issue.

I would disagree with him on the compliance issue. I know he knows the file exceedingly well, but the reality is the compliance rate should be higher. That is why we are dealing with the bill today.

What is happening in the Lower Mainland is extremely problematic. What we have seen regularly in the Lower Mainland in British Columbia is the jacking up of prices. I described earlier, that particularly around holiday weekends we see an immediate spike up and a long and prolonged high level of what can only be called windfall profits, a high level of gas prices despite the fact that old stock is coming into the system at the lower price and then when new stock comes in at a lower price, as well, we see a maintained price level that is far higher than is justified. It is very clear from the studies that have been done by the Canadian Centre for Policy Alternatives, among others, that this leads to enormous multi-million dollar windfall profits taken from consumers, ordinary families, in the Lower Mainland of British Columbia, and other parts of Canada on a regular and sustained basis. This is unacceptable. That is why we pushed the government to take action. We are going to continue

to push the government to take even more action. It is unacceptable that it is allowing the ripoff of ordinary Canadian families.

● (1025)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, the member made an excellent presentation on Bill C-14.

Clearly, the issue here is the empowering of the Commissioner of Competition to act against price fixing. The government has moved against monopolistic practices in real estate at least twice in the last 20 years, and against travel agents and other groups. The question is, if the government can enforce competition in real estate, travel and other industries, why can it not do something about price fixing in retail gas pricing?

To that end, the Bloc has introduced Bill C-452 which accomplishes exactly that. If the government is interested in actually doing something that would get to the root of the problem in this country, then perhaps the government should be looking at supporting the Bloc bill and allowing the Commissioner of Competition to conduct an inquiry into this issue.

Over 125 studies have been done over the last 20 years in the area of price fixing at the pump. The fact of the matter is pretty much everybody concludes that we cannot get a conviction under the current legislation. The key is to change the legislation. That is what we should be doing in this House.

**Mr. Peter Julian:** Madam Speaker, the member for Elmwood—Transcona is absolutely right.

I think what bothers most Canadian families is the government's absolute refusal to act and its refusal to allow a real attempt to shut down what is monopolistic practices. There is no other way to put it when we see all the major petroleum companies moving their prices in sync. Even though there may be a few hours' difference from one to the other, there is very clearly a problem.

The Competition Bureau has to be beefed up. These kinds of practices have to stop. Yet we are seeing a government that simply refuses to act. When the big companies and corporate lobbyists come cap in hand, the government is ready to shell out tens of billions of dollars at the drop of a hat. We have seen that. It is willing to spend a billion dollars for a fake lake in a few minutes. It is willing to spend \$16 billion to \$19 billion on jets, even though those fighter jets have problematic financial repercussions. We are seeing a number of other countries starting to back off on the purchase because of the concern around open-ended financial liability.

*Government Orders*

The government takes all kinds of decisions every day that are worth billions of dollars, without any understanding of the impact. Having been a financial administrator before I was elected to Parliament, I can say that these folks do not know how to manage money. The Conservatives have no idea how to manage money. That is why we have record deficits. They are unable to say no to a corporate lobbyist. That is part of the problem and they are financially inept. That is the other part of the problem.

That is why Conservative governments simply do not manage money as well as NDP governments do. That is understandable. NDP governments are composed of ordinary Canadians and ordinary Canadians know how to manage money. They are not corporate CEOs; they are not high flyers or jet setters. They sit down and get to work, just like Tommy Douglas did, and make sure that budgets are balanced. That is why over a 20-year period, Madam Speaker, as you well know, NDP governments have the best record of fiscal management and balance the budget far more than Conservative governments do and far, far more than Liberal governments do. It is because we are composed of ordinary Canadians and ordinary Canadians manage money better than they do.

• (1030)

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Madam Speaker, as I understand it, there are now going to be private inspections. This will be another privatization move by the Conservatives. Inspections will increase from 8,000 to over 65,000 per year. There will be no ombudsperson's office to evaluate any problems or investigate complaints. There will be no refund or compensation for the consumers who have been abused by these problems and no refund or restitution of the taxes collected.

I would like to ask the hon. member whether I understand this correctly.

**Mr. Peter Julian:** Madam Speaker, as always, the member for Thunder Bay—Superior North has perfectly understood the legislation. I guess the question has to be why the Conservatives would move this bill forward. Have they not read the legislation? Do they understand the legislation? Why would Conservatives vote for legislation that is, as the member for Windsor West said, years late and millions short?

As the member for Thunder Bay—Superior North has said very eloquently, there is no ombudsman's office. There is no refund or compensation for the years of ripoffs. There is no refund or restitution on taxes collected.

There is an increase in inspections which we certainly agree with, but because the Conservatives are trying to find in a shell game some way to benefit, I guess their supporters, they are saying private companies have to do it and they can charge the price they want. This means that in a riding as far flung as Thunder Bay—Superior North, if a private company is set up it will be able to enforce on mom and pop operations any price it wants.

The inspections are mandatory. We will have a situation where a mom and pop retailer will not have a choice and the price will be set by the person providing the service, particularly in rural and northern Canada. This is yet another example of the contempt the Conservative government has for rural and northern Canadians. It is not just the softwood lumber sellout. It is not just the collapse in

farm incomes, particularly in Alberta. For an Alberta farmer to vote Conservative I gather after their inept policies would be a sore mistake. It is a series of measures that go against what rural and northern Canadians stand for and what is good for them.

[*Translation*]

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Madam Speaker, for obvious reasons, I am comfortable with this subject. I cannot support a bill that promotes petty treatment of small gas retailers across the country. I thought that the government was trying to help at a time when rising energy prices cannot be explained by supply and demand. This is a real problem that the government does not want to hear about or deal with.

[*English*]

I am very concerned about Bill C-14 for a number of reasons, which I will be permitted to expand on at some length. Hon. colleagues will know that this is an issue that I have spent a considerable amount of time on. I have devoted my time. I thank the people of Pickering—Scarborough East for indulging me over the years, as well as the people of Pickering—Ajax—Uxbridge and the people of Ontario riding, all three ridings over time representing a good chunk of Canadians, or well over half a million Canadians in that period of time.

I am concerned because this bill suggests, lends itself to or gives the impression that it is doing something which is patently false. The government is not going to give the public any reassurance whatsoever that prices they will pay at the pump, or in fact the measurement, are going to be accurate.

I mentioned earlier the concern I had with respect to how the government is portraying this particular issue. To suggest that somehow it is achieving fairness at the pumps, or as the Minister of Industry lamentably, and I would suggest slanderously, suggested that retailers in this country are chiselling people is simply not only incorrect; it is misleading and it is wrong. The minister ought to have apologized.

Given that the minister has not, he has constructed a body of regulation, which in my view and I think in the view of Measurement Canada, in and of itself will do very little if anything except to undermine the integrity of what is left of competition at the retail level in the gasoline industry in Canada.

Just before the Prime Minister provoked an election, breaking his own word, the industry committee had an opportunity to look at one of the major reasons why energy prices were going up in 2008. It had everything to do with a loophole created that allowed a lack of oversight to the commodities industries around the world. We can recall that energy prices in July 2008, as far as oil was concerned, reached \$150 a barrel virtually. The price at the pumps went up substantially. There were a number of other causes and effects, including commodity costs for food and other forms of energy.

### *Government Orders*

The industry committee had one day to look at this before the Prime Minister pulled the rug out from under us in order to obtain an election. Rather than looking at the issue that was confronting Canadians and undermining their standard of living and undermining, as it continuously does, their issue of balancing the cost of living, the government instead chose to pick an article that appeared in May 2008 in the *Ottawa Citizen* and give it some credibility by talking about it without any actual verification of the numbers, to allow wild extrapolations in terms of the number of pumps that are askew.

Rather than dealing with the fact that we have lost a significant number of refineries in this country due to mergers and acquisitions, rather than dealing with the fact that wholesale prices now move up in lockstep in most provinces and most large communities across this country, rather than dealing with the unfairness of temperature compensation, and I will explain that in a moment, the government chose to narrowly go after the odd gas retailer.

All this would be correct if in fact we learned that the government knew full well that 94% of all the pumps it tested over a rigorous years' period proved to be accurate. Of the 6% that were found to be inaccurate, 2% actually gave consumers more product, and while 4% may have been askew, one would really have to make an argument, both in court and in the public domain, to suggest that somehow gas retailers were involved with chiselling the public.

If the hon. members in the government who proposed this bill had taken the time to actually learn how a pump works, they might find, as we see in so many other instances, that there is obviously a duty of care but retailers may not know that a pump is broken, they may not know that the pulser, which is part of the electronic process, may have malfunctioned, they may not know there is a mechanical problem even after they have tested and even after they have calibrated.

Why is that important to know? It is because they may realize there is a problem, through no fault of their own, and they will test that. Why do they want to test that? It is very simple. No reasonable retail gas retailer in this country is going to want to have a gas pump that malfunctions. The reason is that their volumes will be out, and their logistics and inventory report, which they have to make day in and day out to ensure accuracy for their own economic reasons, are there.

• (1035)

The incentive to do something wrong is certainly not there, but more importantly, there has been no jurisprudence here. There has been no case, to my knowledge, where someone has been convicted of deliberately defrauding someone. If that is the case then I want to hear about it because I have not heard a single cogent argument coming from the government to justify this. It is in fact a solution in search of a problem.

We know that it can lend itself and head toward some very unintended consequences, including penalizing and skewing an industry whose representatives, mom and pop gas station retailers and other people, are working day in and day out, 24 hours a day, seven days a week to try to make a living. The government has the audacity of penalize them and call them chisellers and suggest somehow it is going to remedy the situation with a magic wand

saying, poof, we now have new effective fairness at the pumps. This is misleading to Canadians. This is telling Canadians that something is going to happen that does not. I am surprised to see in a few media reports that somehow they have bought this line. It is not going to do anything to help Canadians. Let us understand that when we target a particular industry we had better back it up with facts.

The facts we have before us are very simple, and I suggest this to the member for Burnaby—New Westminster. I have measurement compliance rates from 2005 to 2009, which will take in the period of the *Ottawa Citizen* article and all the other little things the government says it has done, through Measurement Canada by sector. I have about 30 of them here, which includes sectors where there are less than five data points, where there is not a lot of oversight and inspection, but it has a number of areas: hardware stores, retail rubber products, general merchandise, laundries, cleaners, piece goods, precious metals and stones, alcoholic beverages, honey and apiary, non-metallic minerals, quarries and sandpits, waste collection, transportation, metal scrap, fruit and vegetable, fur and skin, retail gasoline, dairy farms, dairy products, textiles, chemical products, food and beverage manufacturing, electricity, livestock, poultry and there are a few others.

In looking at Measurement Canada's own guide of these 30 or so industries, we find that retail gasoline is the second highest most compliant in the country. So we are going after an industry whose reputation is very good by our own analysis and yet we have a government that wants to target them. With a 93.11% compliance rate, it is only slightly behind honey and apiary at 93.33%. That surprises me because if it is not an admission that the government has this terribly wrong and is targeting the wrong industry, why for goodness' sake has it not gone after the quarries and sandpits industry with a 47.42% accuracy rate? Why has it not gone after the electricity industry? The government says that we use gasoline. Well the last time I checked, this place was lit up by electricity. Its compliance rate from Measurement Canada is 74.19%. One-quarter of what we are buying may not be accurate, and industries and consumers use it day in and day out. Our country is driven by this and yet Measurement Canada, through the direction of the government, decided we are going to target the good guys here.

We are going to go after them because we do not want the public to know that currently energy prices are being manipulated through a lack of oversight both in terms of the trading platforms at NYMEX and around the world. We do not want to let people know that there have been a number of strategic withdrawals of refineries in Canada, removing supply and as a result artificially bumping up the price of gasoline. We do not want to talk about a Competition Act, written in 1986 by the oil industry at the invitation of the then Prime Minister Brian Mulroney to go and rearrange the Competition Act in such a way that it would be the first time that a western country has allowed its very act of policing the commercial industries to be policed by the very people it is meant to police.

It seems to me that we have missed the point here and the government has done something that is classic smoke and mirrors. This is a distraction. This is to give people the impression that somehow when they are pumping gasoline in fact they are not getting what they pay for.



*Government Orders*

•(1040)

There are probably in excess of 130,000 pumps in this country. There are about 70 billion litres of gasoline and diesel dispensed. I was able to get this document finally from Measurement Canada after three and a half months of requests. They finally gave it to me with one week's notice to review this in advance of this debate and of course for our presence in committee. I was surprised to learn that the \$20 million from Measurement Canada, which the government is trotting out as being the annual average rip-off of Canadians, actually turns out to be \$8 million, because it recognizes that \$12 million of that could have actually gone in favour of the consumer.

That being the case, we know the government is somewhat challenged when it comes to statistics. We know it has a problem with Statistics Canada as it relates to the census, but that should not be surprising, given how it extrapolates its views with respect to statistics and data that it tends to trot out, which it knows to be wrong, which it knows to be false.

Let us put that into context. The average skew of gasoline in Canada is 0.018. That pales in comparison to what is occurring today, which the government does not want to talk about. I am not sure whether it believes that this is acceptable. We have not heard much from it. I have put forth changes to the Competition Act and suggested that we have a petroleum price monitoring agency, for which the Liberal government advocated and implemented and which the Conservative government killed as its first act upon taking over in Parliament in 2006.

Canadians would have what Americans and others around the world have, a better understanding of the inventory picture in the country, but no, Conservatives do not want Canadians to have that. They want Canadians to believe that 0.018% of the time, there might be a skew and they might not actually get what they pay for, but they say nothing of the fact that in Toronto today, there is a 5.3¢ ripoff. In Vancouver it is 9¢. In Montreal it is 6.3¢. In Ottawa today it is 6.1¢.

This is ludicrous. We are worried about 0.018% on a litre of gasoline, but we do not think that 5.5¢, 7¢, 8¢ or 9¢ is a problem. Do the math, and for the media that happens to be watching this, maybe they could do the same as well because, frankly, this is unacceptable. It is in fact not only false; it is a fraud. I cannot, in all good conscience, support something like this, which is meant to do something that it will not do, that is, to give false expectations to consumers who rightly ask the question, "Why has Ottawa failed us?" I could go into substantial detail of why that is, but let us talk about the bigger picture.

We know this morning that commodity prices on food, particularly corn, have skyrocketed. This may be in response to certain economic conditions around the world. The media seems to be focused on potash, but the bigger question is this. How do prices get manipulated? How is it possible that we have abandoned regulatory oversight of how trading on these markets, the energy markets above all, is avoided? Why do we not understand or care in this country, and why do we hear nothing from the finance minister, or anybody on that bench, about what the Americans and many other parts of the world, particularly Europe, France and Britain, are saying? They are saying that it is time to get control of the

derivatives, the swap dealers. These are dealers that were created in light of a loophole created in 2000.

Some colleagues here in the House will remember that the year 2000 was the famous year in which the 262-page report of the Commodity Futures Modernization Act took place that allowed energy traders to establish their own exchanges in which to trade contracts and then of course be exempted on exchanges in their entirety from government regulation. That has led to the direct impoverishment and to the consequences of the 2008 period of time in which energy prices spiked.

We could talk about collusion and conspiracy, which is always a convenient argument that is brought out, but I have to remind colleagues that we have to have competitors who would otherwise have different prices, meeting in the dark of night under little lamps, conspiring to bring prices together. That era of competition at the retail level and, more importantly, at the refinery level, is gone. It is over.

Wholesale prices by city are established usually by a leader. In Canada, nominally that tends to be Imperial Oil, at about 3:30 or 4:00 p.m. every day. That wholesale price is simply followed within a microsecond, and whatever that price is, it is traded publicly. It is available to most Canadians if they want to see it. It is not, as a result, price-fixing but rather a distinct, severe and almost pathetic lack of competition in Canada at the wholesale level.

•(1045)

We had very little discussion recently regarding the affect of declining suppliers on the Canadian market. In eastern Canada the Shell refinery closure in Montreal has meant that a once slack supply situation throughout eastern Canada, particularly the Maritimes, Quebec and part of Ontario, is now affected. How is it affected? Let us look at it this way.

Three months ago, wholesale prices in Montreal and Toronto were on average a penny and a half below Toronto. As of last night, those wholesale numbers have changed rather dramatically. They are now a penny and a half above Toronto. As a result of the closure of the refinery in Montreal, Canadians, not the industry, not its apologists or those who ignore it in the media, pay the freight.

Canadians will have to pay more. Looking at that difference of 2.5¢ a litre in the past three months added to the bill of every ordinary Canadian, who uses 100 litres a week, winds up being \$2.50 to the average family multiplied by 52 weeks. Canadians have now been told they can pay another \$250.

The fact that we cannot look at this issue more intently means Canadians will continue to suffer. It means Canadians will continue to realize just how irrelevant Parliament, and more important the Conservative government, is with respect to coming up with solutions.

I know of no jurisdiction, particularly the United States or Europe, that would tolerate the exit from the market of a player. It would not tolerate the level of concentration in our country. It would it accept that the Competition Act, written by the very people it is meant to police, would ultimately be chaired by somebody who worked for the industry.

*Government Orders*

We all recall the issue in 2000 of Superior Propane. I brought a bill before the House to prevent a monopoly to occur in the propane industry, and it passed. Our friends in the other place, many of whom sat on the boards of directors of many of these companies, decided they would not allow the bill to go through. I was surprised to learn that the current Competition Commissioner, with all due respect, was counsel for Superior Propane, which obtained that monopoly. Talk about the fox marching into the chicken coop.

Nothing has amazed me more than this industry because money talks. We have been woeful in our ability to address the real substantive dollar and cents issues that Canadians want us to tackle. I am not against this industry. I want the industry to flourish. I want energy markets to behave in a way that responds to the fundamentals of supply and demand. However, what I have is thin drool and dribble coming from the government by it saying that it will target the very people who have been targeted for years.

The people who have lost in our country are hard-working independent gas retailers. Day in and day out they try to eke out a living with very skinny margins and are often subject to predatory pricing created by a Competition Act that has been decidedly in favour of one thing, and that is intensification of monopolization.

If I have done anything in 17 years as a member of Parliament, it is to try to illustrate the economic injustice that is occurring. I will not lend my name to this bill. I will not support this bill. I encourage members of Parliament to look at the bill, look at the bigger picture, look at the real issues and vote it down.

• (1050)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I thank the member for his long-standing interest and work in this area. I also thank him for sending me a copy of the measurement compliance rate, which indicates that retail gasoline has a current compliance of 93%.

The fact is Bill C-14 proposes that the inspection process will cover another eight areas, with perhaps more areas in the future. It proposes to cover retail food, which has a compliance rate, according to his chart, of 90%. Dairy farms have a compliance rate of 89%. Downstream petroleum has a compliance rate of 66%. There are also mining, metals, grain and field crops. It will cover a number of the areas that have a high compliance of the current rate and some which are under compliance. Interestingly enough, it does not include quarries and sandpits, which has the lowest compliance of 47.42%.

We have been observing that we would favour government inspectors over privatizing the expansion process. We are seeing an effort to outsource, to privatize the inspections and increase the number of inspections, which would create a lot of extra expenses for some of the smaller mom and pop operations, no matter what sector they happened to be in.

Could the member comment on that?

In 1995 when the Manitoba Conservative government privatized the car inspection process, the price of used vehicles went up substantially overnight and there was a lot of abuse. The CBC did some undercover operations that showed garages were ripping off customers by fixing all kinds of things that really did not need to be fixed.

Could the member also comment on that?

• (1055)

**Hon. Dan McTeague:** Madam Speaker, the hon. member does raise some very important points. However, he should not be swayed by what Measurements Canada says. If we look at its website today, we will find that it says “fairness at the pumps act”. That is a very political, crass, irrelevant and, I would suggest, dishonest reflection of what the bill is purported to try to accomplish. We were told by Measurements Canada that was not the title. However, if we go to its website right now, and I am sure it is probably going to take it down in the next few minutes, we will see that it says “fairness at the pumps act”. Just punch it into a Google search.

The hon. member should not be swayed or somehow led down the garden path by either Measurements Canada or the government. This really is about going after and targeting, as the minister said, chisellers, chisellers who do not exist and are a figment of the government's imagination.

It is also important to know that with a compliance rate of 93% or 94%, it means the other 6% or 7% may in fact be favouring consumers, but through no deliberate attempt. Things can and do break down. If we find out there is an inspection process, it is in our interest to ensure that it is correct. If the inventory is lost or off, it can mean terrible consequences for the people who have throughputs or gas stations across the country, where they have hundreds of thousands of litres every year. If they are off by 1%, that is a lot of money at the end of the year.

The question is about private or public inspection. The issue is the NDP has a reason on this, and I do not disagree with it. There has to be absolute concern. One of the amendments I wanted to see was to ensure that our officials were in fact governed by, adhered to and are sworn in as public servants. It is important for the Crown to demonstrate due diligence.

One thing the Liberals did in committee was to ensure absolute due diligence by the minister to ensure those people were held to the highest account, that there was accuracy in their testing, in the various methods that they use. It is very difficult to test these things. There is not one universal way in which we test.

Because the government did not get rid of temperature compensation, it means we lose 4% or 5% of the amount of volume of gasoline we buy because we are at 15° Celsius. Fifteen degrees Celsius assumes that we have had over a year of that temperature. It is 6° in Canada. In Hawaii it is 15°. Therefore, the public is being ripped off by 5% or 6%. Again, the government wants to go after retailers who, through no fault of their own, are struggling to make ends meet. That is disgusting. That is an outrage.

Frankly, I hope the media is looking at this. I want to talk to it about its lack of understanding and precision on this issue. What I see is a target of an industry that has done very well, has done its best and is still the whipping post of the government.

*Government Orders*

**Ms. Niki Ashton (Churchill, NDP):** Madam Speaker, I want to ask a question of my colleague, but I will begin by prefacing just how critical the issue of fairness at the pumps is for the Canadians who I represent in northern Manitoba. We have an area with extensive distance between us as communities. We have roads that, unfortunately, due to the lack of federal investment, are substandard in many cases. People have to purchase heavier duty vehicles, which costs them more money for gas.

On the other side, we also have communities with high rates of unemployment or people with very low incomes. They struggle to make it by and do not have money to waste at the gas pump.

In recent years, especially a couple of years ago when the prices went through the roof in our part of the country, there was a serious concern about the gouging and its impact on northerners and people who lived in parts of Canada like mine. There was much discussion about how we could solve this real challenge facing Canadians. Yet despite the work by many in the House and the push to get this issue dealt with in a timely way and effective way, nothing has happened.

Could the member comment on the effectiveness of this bill and the lack of an ombudsman's office to evaluate the problems that Canadians have brought forward and the absence of a refund or compensation for consumers who are ripped off? Their concern is they are spending more money and they are being ripped off, yet the plan is not looking at that. There is no refund or restitution on the taxes collected on the phantom gasoline purchases, the pumps which do not dispense as much gas as is shown. There are so many pieces that do not respond to what Canadians have talked about. I would like to hear the member's thoughts on these points.

• (1100)

**Hon. Dan McTeague:** Madam Speaker, the hon. member for North Bay, a rural riding though it is a little closer to the smoke of Toronto, also brought forward very much the same concerns about the less travelled parts of the country, where there is a greater dependence on energy-intensive transportation fuels.

It will probably help the hon. member to know a couple of things about the price. In Winnipeg the gas is about 65¢ a litre wholesale, plus whatever the taxes are in the province of Manitoba. It is not very far from Ontario, so it would not have the HST, thankfully. That would be the tax passed by the federal Conservative government.

What concerns a lot of us, though, is the issue of transportation. If I understand the member correctly, her riding is about 500 to 700 miles within a geographic area. Transportation cost is about 2¢ for every 1,000 kilometres. One would think if it is at the outside, 2.5¢, maybe 3¢, that should make the wholesale price about 69¢. If we add the usual taxes, which come up to about 25¢, we are talking about 94¢, plus the GST, plus 7¢ for retailers, which is about what they need to turn the pumps on, especially in areas where they do not get a lot of activity. Therefore, the price should be \$1.04 \$1.03, \$1.05, and I am sure it is a lot higher than that.

When we talk about calibrating and checking these pumps out, one of the unintended consequences I was referring to earlier in my speech would be that the inspection would have potentially the effect of removing gas pumps that currently exist because they would not be compliant. I am not suggesting that should be the case, but we have

to find a mechanism that takes into consideration rural Canada. The government did not do that into consideration. I propose a sliding scale that will see reviews take place in a way that will not be unduly burdensome of rural Canada.

The other thing the hon. member needs to know is that gas pumps can be faulty sometimes in favour of the consumer, based on how little they are used or based on overuse. There is a number of reasons, electronically and mechanically. These are all internal parts. When we look at the way a pump works, and there are 3 metres per every 5 or 10 or 12 pumps, the reality is the retailer will not know. That is why they inspect them periodically, usually within a three month period. In communities like mine in Toronto, for instance, they are inspected more frequently because retailers do not want the pumps to be off. They cannot afford to have them off. It is not in their interest to rip off the public. Not that the government would understand that because it has never actually taken the time to look at how a retailer runs.

However, in rural regions of the country, this would be a recipe for disaster, especially when we do not know who is inspecting the pumps. What if the inspector does not happen to like the retailer? There is a number of considerations about which the government did not think. As a result, in my view this is not a bill worth supporting.

**The Acting Speaker (Ms. Denise Savoie):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Ms. Denise Savoie):** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

**The Acting Speaker (Ms. Denise Savoie):** I declare the motion carried.

(Motion agreed to, bill read the third time and passed)

\* \* \*

• (1105)

[*Translation*]

### CANADA-PANAMA FREE TRADE ACT

The House resumed consideration of the motion that Bill C-46, An Act to implement the Free Trade Agreement between Canada and the Republic of Panama, the Agreement on the Environment between Canada and the Republic of Panama and the Agreement on Labour Cooperation between Canada and the Republic of Panama, be read a second time and referred to a committee and of the motion that this question be now put.

*Government Orders*

**Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Madam Speaker, a few weeks ago, the Bloc Québécois and I spoke out against Bill C-46, the Canada-Panama free trade agreement. The Conservatives' eagerness to ratify this agreement was one of the reasons we could not support it. About a month ago, while we were considering this bill in the House, we found that it was not in line with the Bloc Québécois' values and beliefs or those of Quebeckers.

Our position remains unchanged because we have seen no indication that neither workers' rights nor the tax haven situation in Panama has improved since then. My Bloc Québécois colleagues and I will never be able to support any agreement, treaty or government decision that does not respect these fundamental rights. We will never accept such an agreement unless we can be certain that these rights will be respected.

Before going any further, I would like to answer a question that was asked by the Conservative member for Abbotsford. After my last speech on this subject, he asked why the Bloc Québécois would not at least allow this agreement to go to committee to ensure that amendments are made that would satisfy the Bloc. I would say that if some of these problems could be fixed in committee, we would be in favour of sending the bill to committee. However, some of the problems with the agreement or relations with Panama are beyond Canada's control. For example, there is the issue of police repression of unions. As my colleague, the member for Joliette said, although we could study the issue in committee, we would be wasting our time if the Panamanian leaders have no interest in examining and addressing the situation.

That said, since I have the honour of speaking on this topic today, I think it is important to briefly reiterate the Bloc's position on bilateral agreements. The Bloc Québécois is not a protectionist party. Quebec exports 52% of what it produces, and our businesses, especially cutting-edge businesses, could not survive in the domestic market alone. That is why the Bloc Québécois supported NAFTA, the North American Free Trade Agreement, and was the first party to propose entering into a free trade agreement with the European Union. Clearly, our party supports free trade.

We believe that in order for trade to be mutually beneficial, it must first be fair. This would be easy if the Conservatives were willing. A trading system that results in exploitation in poor countries and dumping in rich countries is not viable. Members can be assured that the Bloc Québécois will never tolerate a system of free trade that would result in a race to the bottom. We simply want to increase wealth and not poverty, in Quebec, Canada, and in the countries with which we are signing agreements.

We are well aware that the absence of environmental or labour standards in trade agreements puts a great deal of pressure on our industries, especially our traditional industries. It is very difficult for them to compete with products made with no regard for basic social rights. We are in favour of a real policy of multilateralism, not the shameless pursuit of profit at the expense of people's living conditions and the environment, which is all too often the case with the bilateral agreements that the government wants to sign.

I would like to remind the members of an aspect of this agreement that the Bloc Québécois finds very worrisome, and that we proclaim loud and clear every time we have the chance.

•(1110)

Panama is still on the OECD's grey list of tax havens, and it is even on France's blacklist of tax havens. Yes, I said France. Obviously Panama poses a problem.

While major European corporations are leaving that country because of its lack of banking transparency and its promotion of tax evasion, Canada wants to send its companies there. Does that make any sense? We need to think about this. The fact that France is pulling out of the country and we want to go in needs some serious consideration.

The Bloc Québécois feels it is imperative that, before concluding a Canada-Panama free trade agreement, the Conservative government sign an information sharing agreement with Panama. Nonetheless, this agreement must not exempt subsidiaries located in the targeted jurisdictions from paying income tax.

I want to repeat that, even though the free trade agreement signed on May 14, 2010, comes with a comprehensive agreement on labour co-operation, protecting labour rights in Panama remains a serious concern.

President Ricardo Martinelli's right-wing government passed Law 30, legislation that is considered anti-union, just a few months ago in June 2010. It is unbelievable. Basically, the law criminalizes workers who demonstrate to defend their rights. Here we are in 2010 and that government is still passing that kind of legislation. Once again, this certainly gives us something to think about.

We also know that Panama was shaken in recent months by crackdowns described as anti-union. Between two and six people were killed and about 100 were injured during violent demonstrations that were held after Law 30 passed in June 2010.

As a member who comes from the agricultural labour movement, I naturally believe that workers' rights are universal rights, and no trade agreement, no free trade agreement—and I mean none—should be entered into without absolute assurance that workers' rights will be respected. That is a fundamental principle of fair trade. That is how fair trade begins. It is not rocket science.

Accordingly, we rigorously apply that principle to all of our actions and the decisions we make. That is one of the reasons we simply could not support the Canada-Colombia free trade agreement recently. Our party acts in accordance with our values and policies.

Even though on August 5, 2010, the Panamanian government agreed to review this law, we nonetheless have cause for concern about the Martinelli government's true willingness to respect the International Labour Organization conventions. Why is the government in such a hurry to ratify this agreement? Should we not ensure that the Panamanian government is backing down on Law 30 before we make any commitment? Why not make sure the Panamanian government reverses its decision and supports labour rights in that country instead?

• (1115)

Without any assurance that workers' rights are respected in Panama and considering that this country is still on France's blacklist and the OECD's grey list of tax havens, it is not possible for the Bloc Québécois to support this bill.

**Ms. Niki Ashton (Churchill, NDP):** Madam Speaker, I would like to thank my colleague for his presentation. He has raised some extremely serious points about the bill we are debating today.

I would like his opinion or that of the Bloc on the government's agenda with regard to this free trade agreement. It took the same approach with Colombia and other countries, an approach that ignores human rights, fairness and transparency. These values are important to Canadians but, as we can see, the government is taking a very different approach.

**Mr. Claude Guimond:** Madam Speaker, I want to thank my colleague for her excellent question.

I was elected to sit in this House two years ago. I have had to take a stand on a number of issues, the Canada-Colombia free trade agreement in particular. The Bloc Québécois thinks it is unfortunate that the government, which the Liberals are supporting more and more, insists on concluding bilateral agreements knowing that this will lead to situations like the one we experienced with Colombia and the one we are currently going through with Panama.

Quebeckers are in favour of free trade. We were the first to want a free trade agreement with the United States. The Bloc Québécois was one of the first political parties to support NAFTA. Our political party and the Province of Quebec support free trade, but we prefer a multilateral approach in order to avoid thorny problems arising every time.

[English]

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC):** Madam Speaker, I appreciate the debate that is going on. However, I disagree with the position taken by the NDP and the answer of the member from the Bloc.

It is interesting to talk about the bilateral agreements that we have been signing as a government, but I am sure the hon. member understands that the multilateral forum, at least at Doha, has failed. As it is not moving forward, Canada has no choice but to look at bilateral trading agreements, so that we have jobs and opportunities for Canadian workers.

The Panama Canal is being expanded to double its present capacity. A lot of trade out of Asia, China in particular, will be coming to the east coast through the Panama Canal. Panama is a key country in Central America. It is a country we need to look to the future with. We need to be part of that future.

### *Government Orders*

What is wrong with putting rules in place for our trade with Panama? Rules-based trading has to be better than non-rules-based trading.

• (1120)

[Translation]

**Mr. Claude Guimond:** Madam Speaker, I want to thank my colleague for his comments and his question.

Yesterday afternoon, we talked about this at the Standing Committee on International Trade. Indeed, the Doha Round negotiations are causing problems and leading us to sign more bilateral agreements. I think we should ask ourselves why there are problems in the Doha Round negotiations and then try to resolve them. We know that the biggest problem has to do with everything that is happening in the agriculture sector. Why not bring everyone to the table to resolve the problems in the Doha negotiations and then sign multilateral agreements?

[English]

**Ms. Niki Ashton (Churchill, NDP):** Madam Speaker, it is an honour for me to rise in the House today and speak to Bill C-46, Canada-Panama Free Trade Act.

I rise, along with many of my colleagues who have spoken in this House, opposed to this free trade agreement. We have brought forward a critique and recommendations that speak to our concerns about this free trade agreement and about the government approach to bilateral free trade agreements.

I would like to begin with a story that I was witness to just a while ago in my home constituency. I was in The Pas, Manitoba, one of the communities that I represent, at the announcement of federal infrastructure funds that were to be used to help the local pulp and paper mill to develop a more green approach in its production.

There was quite a bit of support for this initiative. While we were sitting and talking about how important this commitment was to the plant and to the community, one of the speeches by a government member referenced the importance of bilateral free trade agreements to Canadians as a whole.

The irony is that the pulp and paper mill we were in is across the street from a lumber mill that has been shut down for a year and a half as a result of the softwood lumber agreement. Some people who were laid off from the lumber plant now work in the pulp and paper plant. This community was hurt a great deal as a result of that shutting down. Many jobs were lost. And the community was saddened by the wholesale export of trees that come from our area only to be processed south of the border or overseas.

Everybody knew that the government did not stand up for the people in my community or the people across Canada who depend on the jobs in the lumber industry. Free trade agreements are not always fair. Some have caused the loss of good-paying jobs and the loss of support for communities all across our country.

The irony is that we are hearing about how these free trade agreements will make Canadians' lives better, when in fact we know that this not the case.

*Government Orders*

Bilateral free trade agreements usually favour the dominant economy and ultimately facilitate a degree of predatory access to the less powerful economy. This is more apt to happen in bilateral agreements than in multilateral ones. In this case, Canada is the dominant economy, and this deal is characterized by imbalance.

Since this is true, why do we keep negotiating these kinds of trade agreements? Does the government not care about this imbalance? Does it have no qualms about the challenges that will come of our being given greater access to Panama, whether we are concentrating on resource extraction or on extending our export-driven interests? It is a question that needs to be asked.

Canada's reputation is built on multilateral co-operation, consideration of human and environmental rights, and fairness in our work at the international level.

• (1125)

We have seen, certainly in the area of foreign affairs, a different approach on the part of the government, an approach that throws away some of the core values that Canada was built on, and on which my generation was raised.

When we look at this trade agreement, there are some points that cause concern. Labour rights are something that we in Canada uphold and respect. We believe that working people have the right to form unions and negotiate for a decent wage and decent benefits. This is not the case in Panama. If we go through with this agreement, we will be going against Canada's tradition of fairness for workers.

In July, there was a new wave of anti-union repression in Panama. Several workers were killed, over 100 were injured, and over 300 were arrested, including the leaders of the SUNTRACS and CONATO trade unions. This was the government of Panama's brutal reaction to protests against legislation restricting the right to strike and the freedom of association. The legislation provides for up to two years in jail for workers who take their protests to the streets.

It is despicable for us to engage in a trade deal with a government that undertakes this kind of repression toward working people. It is something that we will continue to see as a result of the bilateral free trade agreement with Colombia. But here we have a chance to stand and say no, this is not right. This is a government that denies its own citizens basic rights such as the right to unionize and the right to strike.

Another glaring hole in this free trade agreement is the failure to deal with the fact that Panama is an offshore banking centre and a tax haven, with a serious lack of transparency that displays excessive banking secrecy. We in the NDP have been critical of the government's failure to act against offshore tax havens and tax loopholes that benefit Canadian entrepreneurs. Here we would be engaging in a free trade agreement with a country that turns a blind eye to these destructive practices and is showing no interest in correcting them.

We in the NDP stand in opposition to these elements, which accompany this trade agreement. These elements are either not being looked at or they are being viewed in an unrealistic way. The government apparently thinks it is okay to enter into bilateral free trade agreements with a country like Panama that has such disregard for principles that are important to Canadians.

On the environmental side, there is reference to the existence of an agreement on the environment. But given the government's approach to anything environmental, whether it is in our country or abroad, we doubt that this agreement will be taken seriously.

We understand the importance of trade and trading with countries. In this day and age, we would not be where we are without trade. What we oppose is bilateral free trade agreements that reject fair and sustainable trade. This rejection often generates discontent and increased protectionism. We have all seen the destructive impact of the NAFTA on the U.S. economy and, quite frankly, on our own.

• (1130)

To end, I would like to return perhaps to the people I represent and the way in which we have seen jobs taken away from our area, good paying, community sustaining jobs, as a result of free trade agreements that have failed to put Canadians first. This is one more example of that pattern.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, the member will know there are 350,000 foreign companies registered in Panama to take advantage of its tax haven status and the Canadian government has done absolutely nothing to try to get a double taxation avoidance agreement signed with Panama before it proceeds to ratify this agreement.

In February of this year, France took very proactive action. The French government levied a tax of 50% on dividends, interest, royalties and service fees paid to anyone based in France to a beneficiary based in one of the countries on its blacklist. Guess what? Within months, Panama signed a double taxation avoidance agreement with France. That is an example of where we can get results and action.

I would like to know what the member thinks about the government's lack of action, to try to implement a free trade deal with a country and not even try to deal with the issues of a tax haven.

**Ms. Niki Ashton:** Madam Speaker, absolutely this is a real failure to show interest in building a bilateral free trade relationship, and certainly engaging in an agreement without dealing with such a glaring absence of accountability and transparency on the part of Panama. One would think it would be interested or enthusiastic about entering into trade with Canada. Instead of Canada saying that the government is interested but has some serious concerns with respect to the area of tax havens, and of course we are saying with respect to labour issues and the environment, the government is throwing its hands up and going for the lowest common denominator instead of making a real difference.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Madam Speaker, it is a great pleasure for me to stand up on this issue again and talk once more about the importance of trade to Canada, but more importantly, to talk about the principles that underpin a sound, fair and effective trade policy.

*Government Orders*

I want to underscore from the beginning something that my colleague said so well, which is that I think all Canadians understand the importance of trade to our country. I think all Canadians want Canada to have a healthy, vibrant trading relationship with countries that help to provide a sound basis to the Canadian economy and allow us to build an economy that is strong, environmentally sensitive, sustainable and fair.

I think trade relationships with other countries and Canada can be built on such a foundation. The New Democrats are constantly a voice of patience and intelligence in urging this House to pursue such a policy. The particular bill before this House is something that does not meet those criteria, and accordingly, it is something that our party is opposing.

Here are some of the reasons we are opposing this trade agreement.

This of course is a trade proposal and an agreement that would impose upon Canadians the obligation to provide very favourable trading terms to a country that I think has a very unenviable record on a number of fronts.

First, we are engaging in a NAFTA-style trade agreement with a country, Panama, that is an infamous offshore banking centre. It acts as a platform for multinationals and a conduit for opaque banking activities and tax evasion. Let me tell you what Congressman Michael Michaud, a Democrat, quoting from the U.S. State Department, recently said about Panama:

[Panama's] industrial policy is premised on obtaining a comparative advantage by banning taxation of foreign corporations, hiding tax liabilities and transactions behind banking secrecy rules and the ease with which U.S. and other firms can create unregulated subsidiaries. According to the State Department, Panama has over 350,000 foreign-registered companies.

This agreement would propose building a so-called free trade platform that would provide front corporations with additional powers and incentives to their right to challenge Canadian regulations and standards and shape trade to serve their needs, not the public interest of Canadians.

This trade deal would make it easier for Canadian and foreign corporations to move to Panama and flout Canadian labour laws, pay their workers in Panama an average wage of about two dollars an hour and not have to pay for pensions, benefits or sick days.

Canadian law states that workers enjoy certain minimum workplace safety laws and benefits. Corporations that would be established in Panama, and that this trade agreement would make easier to establish in Panama, do not have to do any of those things.

Let us stop for a moment. This is not just bad for Canadian workers, this is bad for Canadian businesses. Businesses that set up in Canada have to pay living wages and market wages. They very often have to establish pension plans and pay for health care premiums, insurance premiums, life insurance premiums, and workers' compensation premiums. In other words, they have to act like fair and responsible corporate citizens.

Canadian businesses would be affected by companies that could go to Panama, set up subsidiaries, and provide the exact same products that in many cases are being produced here, but those companies would not comply with any of that. I think any Canadian

watching this debate or who follows this subject can easily see that is most unfair to Canadian businesses.

I want to talk about Panama's tax haven status. I think that is a major concern in regard to this proposed legislation.

In 2008, Panama was one of 11 countries that did not have a tax information exchange agreement signed or enforced. Panama is one of three states, with Guatemala and Nauru, that would not share bank information for any tax information exchange purpose.

● (1135)

The OECD blacklisted Panama in 2000 as an unco-operative tax haven. In 2002, in a letter from the Republic of Panama to the Secretary-General of the OECD, Panama committed to meet the OECD standards for transparency and information-sharing such that it would no longer be considered a tax haven.

Here we are today, in 2010, and Panama has not, to date, substantially implemented that internationally agreed tax standard to which it committed itself.

There was a study done this year by Cornell University that examined a study done by the IRS over a four-year period earlier this century. I think it was between 2004 and 2007. It found that Panama was tied for first in the country as a source of tax-laundered money emanating from the drug trade.

It is interesting that Panama is also tied to Colombia. In 1903, Panama was formally separated from Colombia, with the blessing and military support of the United States government. Today, Colombian banks retain a prominent role in the Panamanian banking system, as well as the offshore banking system in Panama. They are very active in managing the considerable assets of high net worth Colombians.

What is this about? Canadians are well aware of the fact that Colombia in particular is one of the world's most renowned narco states. It is one of the major suppliers of cocaine to North America, and there is a lot of illegally produced money in Colombia. The connection between Colombia and Panama and the way that this money is laundered through Panama is not a matter of speculation, it is a matter of fact.

These are the two countries that the Conservative government has hastened and rushed to sign free trade agreements with. I find this always very surprising, because the government likes to talk about how it is tough on crime. It talks about that for domestic purposes and tries to make it a wedge issue, to create fear among Canadians and use it as a political issue, but who does the government sign business agreements with? Out of all the countries in the world, who does it pick in this hemisphere? It is Colombia and Panama, two countries that are renowned for their drug production, for their tax evasion, and for their money laundering.

This agreement, if we leave everything else aside, would do one thing. It would make it easier for money to be laundered through the drug trade, because this agreement says that all financial transactions between Canada and Panama would be unregulated. That is just simply unsound, and it is curious.

*Government Orders*

I also want to talk a bit about the labour situation in Panama. Just this summer, in July, there were a number of trade unionists in Panama who gathered publicly. To do what? To protest in the streets. That is all they did. They peacefully gathered, assembled, and expressed their views. What happened? Over 100 people were attacked and injured, several workers were killed, and over 300 people were arrested, including leaders of the SUNTRACS and CONATO trade unions. This was the Government of Panama's brutal reaction to protests against new legislation that restricted the right to strike and freedom of association, including provisions to jail for up to two years any workers taking their protest to the streets.

That did not happen 10 years ago or 20 years ago. That happened this summer.

This is the record of Panama: jailing its citizens for having the audacity to protest legislation in the streets; killing and attacking trade union workers who simply want to gather and express their rights to join a trade union if that is their wish.

The Prime Minister, yesterday and today, is in the Ukraine, talking about standing up for human rights in the Ukraine, making it very clear to the world that, according to him, in that context, Canada wants to ensure that we promote human rights in the world, that we will not, I think, according to his words, sacrifice our principles in order to secure economic benefits or trade benefits.

Yet here at home, in the House of Commons, we are debating a bill that seeks to establish preferential trade relations with a country that absolutely obliterates human rights.

• (1140)

I do not think that anybody on either side of this House, including hon. members on the government side, would stand up for what happened in Panama this summer. I would like to hear from them. What is their position on human rights and signing trade agreements with a country that saw people attacked in the streets and jailed for up to two years for expressing their democratic wishes? What is their position on signing an agreement with a country that seeks to deprive its citizens of the right to join a trade union which, by the way, violates commitments made to the International Labour Organization and several treaties that Canada signed? Why would we want to sign an agreement with a country such as that?

The fact that that country violates human rights is something that should be of concern to all Canadians, and we oppose the bill accordingly.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, the American Congress gets it. No fewer than 54 United States congressmen have demanded that President Obama forgo the agreement with Panama until Panama signs the tax information exchange treaties which, as I had indicated, France got in short order when it started taxing French corporations that were among the 350,000 foreign companies that are operating in Panama.

The Americans have figured it out. They know that Panama is a major conduit for Mexican and Colombian drug traffickers. The Americans are holding up the agreement. The member for Mississauga South asked the other day why the Americans are not proceeding to ratify and implement the agreement. That is why they are not doing it.

The company AIG was instrumental in getting huge bailouts just two years ago, thanks to the American taxpayers. AIG gave its directors huge bonuses only six months later. On top of that, it is suing the American government for \$306 million. It is trying to get back money because of involvement in the tax haven in Panama. A situation like this is absolutely ludicrous.

The Americans have figured it out. The question is, why can the Canadian government not figure it out?

• (1145)

**Mr. Don Davies:** Madam Speaker, the comments of my hon. colleague from Elmwood—Transcona are bang on. Many members of the House are getting it as we learn more and more about this trade agreement.

It is noteworthy to point out that this agreement was negotiated relatively in secret and in haste. This Parliament is doing what a good, effective parliament does. It is scrutinizing the context in which it was negotiated. It is looking in very great detail at the facts that are involved and what this agreement would do, so that we can very carefully plot a trade strategy for our country that is based on the principles I outlined earlier of fairness, of respect for the environment, of respect for human rights, of reciprocity between the two countries, to ensure justice for our businesses and our workers.

I want to talk briefly about the environment. I note that the environment is sloughed off as a side matter in this agreement. It is not considered significant and pivotal enough to be put in the main body of the agreement. We cannot leave the environment any longer to provisions that are made as an afterthought, that commit countries to maintain what are often very poor environmental records, as this agreement does. It is important that we start making the environment a priority in these trade agreements, to make sure that countries that want to get the benefit of trade with Canada also commit to improving their environmental records, as we ought to do as well.

That is an important part of trade in the 21st century. That should be part of every agreement. This agreement is substandard in that regard.

**Mr. Malcolm Allen (Welland, NDP):** Madam Speaker, we seem to see this repeating over and over again. The two things that we continually talk about and which other countries have put into their agreements are the environment and labour standards and other labour issues. Yet we continually see the government leaving them as sidebar agreements rather than being included in the main body of the agreement.

My colleague is a labour lawyer and understands the importance of making sure they are in the body of the agreement. I wonder if he could comment on why it is important that those items no longer be side deals and that they be incorporated in the main body of the agreements.

**Mr. Don Davies:** Madam Speaker, my hon. colleague from Welland has also devoted his life to improving the lives of workers and their families in the trade union movement.



*Government Orders*

I have negotiated many contracts in my time. The first thing everyone knows about putting something in a side deal is that it means something. It is not meaningless. When there is the main body of an agreement and there are appendages and side agreements, it is not done for no consequence. It is done for a reason.

The first thing of note is the optics of it. What it conveys to the parties that negotiate the contract and anybody who reads it is that the parties that negotiated those agreements thought that those issues were secondary, not important enough to put in the main body of the agreement.

It also has to do with enforcement mechanisms. They are weak in this agreement for enforcing environmental and labour standards because they exist in side agreements. That is another flaw of this agreement and this bill.

• (1150)

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Madam Speaker, I am very pleased to speak today to the bill before us, a bill that would fast-track agreements, in particular the bilateral free trade agreement between Canada and Panama.

The fact is that the government is fast-tracking the ratification process for an international agreement similar to those that have already been ratified by Canada. I am thinking, among others, of the agreement with Peru. These agreements are designed to fast-track and increase trade between Canada and other countries. In the case of the bill before us, the agreement in question basically attempts to fast-track trade with Panama.

Panama has decided to increase its trade relations through formal trade agreements with three countries that belong to NAFTA, including Canada. We also know that the United States has negotiated and signed an agreement. Canada would be the last to do so.

First of all, we are not opposed to trade agreements that facilitate trade among countries, whether they are southern, northern or European countries. We have clearly indicated that we would like Canada to negotiate, ratify and sign a free trade agreement with the European Union, but with some conditions. And that is the point we wish to make today in this debate. We are saying yes to trade agreements, yes to free trade agreements, but not at any cost.

The Bloc Québécois has an analytical grid of the trade agreements signed by Canada, which we use to determine whether or not we should support specific trade agreements that are or may be negotiated. What are the criteria for supporting trade agreements?

First, we must ensure that human rights are respected. We cannot agree to sign and ratify a free trade agreement with a country that does not respect the most basic rights, human rights, and that allows repression and the violation of fundamental rules such as women's access to certain sectors of economic activity. We cannot allow Canada to sign trade agreements with countries that violate human rights and the fundamental rights of their citizens. That is the first criterion.

The second criterion is that there must be a minimum level of environmental protection in countries with which we will be

conducting tariff-free trade. We cannot agree to trade agreements with countries that have weak environmental regulations, because that would facilitate trade and lead to agreements that are socially and environmentally irresponsible.

Furthermore, what would be the consequence of signing such agreements? It would enable Canadian companies to go to these countries to develop the natural resources, free from any environmental regulations. So a country that chose to implement serious, stringent environmental regulations would lose economic activity to countries that chose to disregard the environment in order to allow businesses to save money and cut costs, at the expense of the common good.

We cannot agree to a trade agreement with a country that has poor environmental regulations. Lastly, we cannot agree to trade agreements when workers' rights are violated and when police crack down on legitimate, peaceful protests.

• (1155)

These three key issues must be taken into consideration when we decide whether or not Canada should ratify or sign a trade agreement.

In this case, with the trade agreement between Panama and Canada, what analysis needs to be done? Our analysis should be based on the principles I just mentioned.

In recent years, Panama has shown that it wants to enter freely into international trade agreements. But what is Panama's record like on the three issues I just mentioned? In terms of the environment, Canadian companies, particularly mining companies, have pushed to be able to operate in Panama, where they have a number of mining claims. They saw that there were abundant natural resources, particularly gold and silver, so they decided to purchase mining claims in Panama to be able to develop these resources. That is good, it is commendable, and it is acceptable. It allows for the creation of wealth, but under what conditions is this being done? That is key. Are human rights, workers' rights and a minimum level of environmental protection guaranteed?

Canadian mining companies are currently in discussions with Panama's government to establish a new legislative framework for environmental co-operation, just as there is co-operation between Canada and the United States as part of the free trade agreements. That is what we want; that is good. We hope that these discussions between Canadian companies and the Panamanian government will lead to the most basic and most stringent environmental protection rules. It would also be good to see the government taking part in these discussions.

Before these agreements between Canadian companies and the Panamanian government are signed, can we know the outcome? Yes, Canada has signed a free trade agreement with Panama, but can we wait for the discussions between these two levels of stakeholders to finish before we ratify this agreement? That would be the socially and environmentally responsible thing to do.

*Government Orders*

There is also the issue of tax havens. We cannot agree to trade with a country that still does not divulge information and that has a secretive banking system. Panama is still on the OECD's grey list. Last year, the Panamanian government committed to signing 12 tax agreements by 2010. That is one sign that the Panamanian government wants to move in the right direction and improve its record, which is far from enviable at present.

The Panamanian government seems to be showing a desire to put an end to tax havens. Before we ratify an agreement, can we wait and see whether the Panamanian government will follow through on its commitments? It would be smart of the Canadian government to do so. In fact, that is what the American government and Europe have decided to do. The United States and Europe are not rushing to ratify this trade agreement because they want to know that the Panamanian government will follow through on its commitments.

● (1200)

That is what a socially responsible nation should be doing.

**Ms. Niki Ashton (Churchill, NDP):** Madam Speaker, my colleague did a good job of presenting his and his party's position on this bill.

Since we are discussing some of the problems with this approach to free trade with Panama, I would like him to comment on why the government so badly wants to create this kind of relationship, and not just with Panama. The same thing happened with Colombia.

Where are the Conservatives coming from, and why are they so determined to pass this kind of bill, which is against the values and interests of Canadian workers, not to mention the values of justice and fair trade, which are really important to our country?

**Mr. Bernard Bigras:** Madam Speaker, the answer is simple. The reason that the Canadian government wants to expedite ratification of the Canada-Panama agreement—unlike Europe and the United States, where the debate in Congress is ongoing—is that it wants to give Canadian companies a competitive advantage in the Panamanian market. That is what it wants. It wants to show Panama that it is eager to proceed regardless of whether workers' rights are respected.

That is the real problem with the Canadian government's approach. By trying to ratify this agreement in a hurry, contrary to what the United States is doing, the government is showing that it does not care about workers' rights, social rights and environmental rights. It cares only about international trade and the economy. I think that is why Canada is trying to rush ratification of this trade agreement.

[English]

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Madam Speaker, like the hon. member for Rosemont—La Petite-Patrie, I am concerned about yet more NAFTA style bilateral agreements that move our jobs offshore and cost us more and more autonomy here in Canada.

However, given the hon. member's extensive expertise and interest in the environment, I would like him to comment a little bit more and explain why the side agreement on the environment seems to have absolutely no teeth. It seems to be a feel good exercise, a kind of gentleman's agreement. Am I wrong? Does it have teeth? Will it protect the environment? Does he share my concerns?

[Translation]

**Mr. Bernard Bigras:** Mr. Speaker, as I mentioned, that will depend on the negotiations that are under way between Canadian mining companies and the Panamanian government. However, when we look at other agreements, they must ensure that national governments are in a strong position to shape environmental policies. We have not yet received that assurance. When looking at the power of chapter 11 in free trade agreements, we realize that, in the end, international agreements often rob national governments of their powers to regulate environmental matters, for example.

An international agreement must never weaken the power of nations to implement regulations concerning environmental protection. It is not true that the major multinationals will determine the rules for social and environmental protection. The state is there to protect ecosystems and populations. It is very dangerous to place this power and this recourse to international courts in the hands of any multinationals. I believe that there is cause for concern. Canada must have guarantees before ratifying such an agreement.

● (1205)

[English]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, it is with great regret that I rise to speak to the Canada-Panama free trade act. As I said previously in the House on both this proposed trade agreement and on the trade agreement with Colombia, the government has completely reneged on its promise to supposedly balance environment and trade, environment and development. Instead, the government has moved backward in time.

Even though the North American Free Trade Agreement has a lot of problems, at least there was a substantial side agreement on the environment. Today I will go through how the government has specifically downgraded that agreement.

I would like to bring to the attention of the House one of the reasons that I tabled an environmental bill of rights. I tabled the bill of rights because it was important for Canadians to have cast in law their right to participate in decision-making and their right to have the implications of any government decisions revealed to them.

The Conservatives ran on a platform of increased openness and transparency. In their time in power as the Government of Canada, they have done nothing but the opposite, and the tabling of this bill reflects that. First, where is the dialogue with Canadians about what they think is important in trade agreements with other nations?

*Government Orders*

Previous governments stated that they thought that balancing labour rights and environmental rights and protection were equally important to trade, and so we had side agreements. At the time, there was a lot of controversy because it was felt by many that if we were really going to put development and trade on par with environmental protection and labour rights, then they should be incorporated into a legally binding document.

The government professes to balance development and trade with environmental protection and that it believes in openness, transparency, accountability and engagement of the grassroots public and yet it has tabled trade agreement after trade agreement doing the complete opposite. There has been no dialogue with the public on what direction we should be taking in our trade agreements since NAFTA. I would highly recommend that the government initiate that dialogue because Canadians will pay the price.

Under my environmental bill of rights, Canadians would have the right to this information. They would have the right to see proposed trade agreements with nations such as Panama. They would have the right to participate in decisions about the criteria for entering into trade agreements with other nations and what would be included in those documents. They also would have the right to know whether we should move forward on the long overdue promise of putting environment on par with trade and development.

Here again, similar to the Canada-Colombia Free Trade Agreement, we have the same reprehensible document. The side agreement on environment has been stripped of any of the substance that it had under the free trade agreement with Mexico and the United States, to the point where we may as well not have the side agreement.

Specifically, we have taken away the ministers of environment meeting to discuss the major environmental implications of decisions on trade and development in the respective two countries. Under the side agreement to NAFTA, the North American Agreement on Environmental Cooperation, the government very wisely created the Canadian Council of Ministers of the Environment. In this case, that has been taken away. Instead, there is an advisory body composed of lower echelon bureaucrats. Nothing is revealed. There is no budget in this time of restraint in our country and, most likely, in Panama as well. Where is the budget line item to adequately finance the review of decisions on trade in the respective countries?

There is no full-time secretariat, unlike the North American Agreement on Environmental Cooperation which established a full-time secretariat. The three countries to that agreement alternate the head and staff of the secretariat. We have no such secretariat. This will simply be another task downloaded on an already overstretched bureaucracy that, in all likelihood because of our deficit, will be cut back even further.

• (1210)

It is not clear who is actually going to be the watchdog for this side agreement and who is going to be addressing and responding to public concerns. Where is the line item in the government's budget with respect to providing those services for this trade agreement?

There is no full-time commission, no full-time budget, no independent secretariat. The value of an independent secretariat

under the North American Free Trade Agreement is that people have a level of comfort in coming to that secretariat and raising issues. In fact under the North American agreement on environmental co-operation, under article 13, citizens of the three respective countries, Mexico, the United States and Canada, can recommend to the secretariat that particular issues of concern to the environment on a bilateral or trilateral issue be investigated independently by the secretariat with independent consultants. The council of ministers can recommend that issues of common interest be reviewed in a co-operative manner to come up with co-operative solutions.

There is no such body here where we can have a level of confidence that the government sincerely wants to pursue any implications to the environment of the trade agreement.

There is also no mechanism for open dialogue. Under the North American agreement the council commits at least once a year to meet in the open, transparently, with the public of the three countries. There is no such commitment in this agreement, so everything is going to be behind closed doors between bureaucrats.

A number of public bodies to hold the council accountable for delivering on the side agreement are created under the North American agreement on environmental co-operation. There are no public advisory committees under the side agreement with Panama.

There is under NAFTA a joint public advisory committee that includes representatives of industry, of public interest groups, of scientists and other learned people from all three countries selected to advise the secretariat and to advise the ministers. We have no such body here. There is no mechanism for the people of Panama or Canada to provide input to the governments on issues that may arise related to this trade agreement.

Where is the grassroots government promised by the Conservative Party of Canada? The Conservatives promised they would be a new kind of government. They said it would not be top down, that it would be grassroots up, that the people of Canada would drive policy. Where is the voice for the Canadian people on this agreement or either of the two side agreements? It does not exist.

As well, under the North American Free Trade Agreement all three countries created national advisory committees to advise the environment ministers of the respective three nations on the issues they should be bringing before the common body. I do not know what has happened to the national advisory committee under the Conservative government. Perhaps it does not exist anymore even under that agreement, but there is no such mechanism under the Panama agreement.

*Government Orders*

There is no requirement to hold public meetings. There is the opportunity to raise a concern but it is with some not yet identified body of the bureaucracy of the two countries. Where is the level of comfort? With whom will these concerns be raised: the Department of Foreign Affairs, the Department of the Environment, or the Department of National Defence? With whom will this be raised? There is absolutely no certainty that whatever body is established will have the full competency to deal with the kind of issue that is raised, whether it is to deal with pesticides, climate issues, access to safe drinking water, or the trade in a particular commodity that may or may not be contaminated. There is no certainty of who within the two respective regimes will be responsible for giving serious attention to those concerns.

Of greatest concern to me is the fact that in this agreement with Panama, the side agreement on the environment misses one of the most important provisions of the North American agreement on environmental co-operation and that is the right of any citizen to file a complaint that the law is not being effectively enforced. This provision was put in specifically because of the concerns that with free trade, protection of the environment may be put in second place. It gave the right of citizens in any of the three countries of Mexico, Canada or the United States to file a complaint of failure to enforce against any of the three parties. That is completely missing in this agreement.

• (1215)

Where is the commitment to pay equal attention to environmental protection as there is to opening the doors to trade? It is absolutely missing, as is the whole right to public scrutiny of whether or not these free trade agreements are having implications for the protection of the environment and the protection of biodiversity. This topic is being discussed in Japan as we speak. Canada is being maligned. Canada has been given the first Dodo award because we have failed.

I would recommend that the government seriously consider withdrawing this trade agreement, go back to the table, meet with people who have participated for over a decade in the North American agreement and learn from what they have learned.

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, my colleague is extremely knowledgeable and articulate about environmental issues. I listened with great attention, because I knew that the things she would tell us would be extremely important.

Some of us are not quite as wise about environmental issues, the regulations and all those other things. The environment and labour aspects are done as side agreements and outside the main body of these free trade agreements. We always say that there should be a holistic approach on how we do labour agreements and contracts. My colleague has articulated why we have been skeptical about having them outside the main agreement. She has articulated the reasons for including things in them that actually give them teeth, so that citizens can come forward when they have complaints and actually have those situations addressed. I thank my colleague for that.

When it comes to the environment, my sense is that the government has made it a secondary issue, rather than one of primary concern. It really should be a primary issue for all of us. It should be right at the top of the agenda rather than where it is now.

I wonder if she could explain to us how we should make it a holistic part of any trade agreement we enter into anywhere in the world, so that not only does it have teeth, but it is at the forefront of all agreements that we enter into.

**Ms. Linda Duncan:** Mr. Speaker, my colleague has raised many concerns, particularly with respect to the labour side of this agreement.

It is quite straightforward how we would incorporate environmental matters into the trade agreement. We simply would treat them with the same level of seriousness.

The trade agreement provides that private corporations can go after the government for compensation if their trade, development and economic situations are prejudiced by a decision by the Government of Canada to protect the environment. We should have parallel measures in every trade agreement where the public interest of Canada would be given equal weight when some kind of a trade decision is made to the prejudice of the environment of Canada.

We simply need to raise the measures that are in the side agreement on the environment to the level of the binding trade agreement, and frankly give the citizens of Canada the standing to come before those tribunals and speak on their behalf.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the member for Edmonton—Strathcona is by far the strongest MP from Alberta in this House of Commons. She does a tremendous job speaking up for her province.

I am wondering how she feels this plays back home in her region of Alberta. The Conservatives are trying to push through a deal with what is tied for the worst regime for dirty drug money laundering on the entire planet. Rather than dealing in any way in this trade deal with the dirty drug money laundering and the tax haven status of Panama, the Conservatives, in a desperate attempt to cover their own tracks, sent a letter to the government, but there is nothing in the trade deal that stops dirty drug money laundering. In fact, it is the opposite. This is going to facilitate it.

I am wondering, for folks back home in Alberta, as she is the strongest MP from Alberta, if she could comment about how Albertans are going to see Conservatives trying to facilitate dirty drug money laundering through Panama. How is that going to play back home?

• (1220)

**Ms. Linda Duncan:** Mr. Speaker, I would like to thank the hon. member for his vociferous efforts on behalf of Canadians to ensure there is fair trade that will benefit workers and the environment, and trade that will benefit Canadians as well as the citizens of other countries.

I do not think that the perspective of Albertans is going to be any different from the perspective of other Canadians. Albertans are equally concerned about the loss of revenue to the federal coffers through money laundering and the illegal transfer of money, and they are equally concerned about the drug trade.

*Government Orders*

I think that Albertans are looking for avenues for fair trade for their products, for cattle, hogs, grain, and manufactured goods, particularly with respect to the manufacture of energy efficient mechanisms. They are looking for opportunities for fair trade and to get a competitive edge in the markets around the world. They are not looking to enter into agreements that are going to have no benefit to them as a people.

**The Deputy Speaker:** Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on the motion that this question be now put. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

**The Deputy Speaker:** Call in the members.

*And the bells having rung:*

**The Deputy Speaker:** The vote stands deferred until the end of government orders later today.

\* \* \*

[*Translation*]

#### **GENDER EQUITY IN INDIAN REGISTRATION ACT**

The House resumed from May 25 consideration of Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs), as reported (with amendments) from the committee, and of the motions in Group No. 1.

**Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ):** Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs).

The Bloc Québécois had indicated its support for studying Bill C-3 in committee. Since the bill would allow people who suffered discrimination because of Bill C-31 passed in 1985 to reconnect with their origins, we felt it deserved further study. As I just mentioned, Bill C-3 would repair the injustices created by Bill C-31 some 25 years ago. In other words, the federal government waited a quarter of a century to repair the injustices it had created itself. Even then, it had to be forced by the Court of Appeal for British Columbia ruling

in the *McIvor* case. Thus we cannot talk about Bill C-3 without recalling how this aboriginal mother had to fight to have her rights and those of her children recognized. Sharon *McIvor* kept up her fight for many long years. Without her and her struggle, we would not be discussing this bill here today in the House.

To understand the implications of Bill C-3, we need to turn back the clock just a bit. Injustices against aboriginal women are nothing new. In 1876, the Indian Act stipulated that an aboriginal woman lost her rights and stopped being an Indian under the act if she married a non-aboriginal man. Obviously, an aboriginal man who married a non-aboriginal woman did not lose his Indian status. Aboriginal women have experienced a great deal of discrimination with regard to their race, gender and marital status. The Indian Act has contributed to marginalizing women and diminishing their social and political role in the communities. Since this legislation has a direct impact on lineage, the children of these women have also been discriminated against.

In 1951, the Indian Act was amended, but again, a woman who married a non-Indian could not be registered in the new federal register of status Indians and therefore could not enjoy the rights that such status entailed. In 1985, following changes to the Canadian Charter of Rights and Freedoms, Bill C-31 was introduced to close the loophole in the Indian Act, but women's children still did not have the same rights as men's children.

Those who are paying close attention will have noticed that more than 100 years after the Indian Act was created, the rights of aboriginal women's children were still not guaranteed. It would take another 25 years for the federal government to introduce a bill to recognize the Indian status of people who had been discriminated against in the past. Were it not for Ms. *McIvor's* legal journey, the government might never have introduced Bill C-3, which we are discussing today, as a response to this discrimination. Many will say that this bill does not go far enough.

One such person is Michèle Taina Audette, another mother and a representative of the AMUN March, whose battle continues. I will read an excerpt from her testimony at the Standing Committee on Aboriginal Affairs and Northern Development:

*In my opinion, Bill C-3...merely complies with the British Columbia Court of Appeal decision in *McIvor v. Canada*...[and] the department is using this bill to do as little as possible about the problem...there may be serious problems as a result in the short, medium and long terms...Let us put an end, once and for all, to the discrimination that has existed for too long a time already...Aboriginal women continue to be victims of discrimination based on gender...*

Bill C-3 would recognize the Indian status of people who have so far not been recognized as Indian and could therefore not benefit from the rights enjoyed by status Indians, such as the right to live on a reserve and to vote in band council elections.

Bill C-3, which was introduced thanks to Sharon *McIvor's* efforts, corrects these injustices, but it does not go far enough, because it allows certain other injustices to persist. That is why the Bloc Québécois proposed several amendments, all of which were deemed inadmissible.

*Government Orders*

People will have no trouble understanding that the Bloc Québécois believes strongly in nation-to-nation negotiation. That is why we have always consulted with our aboriginal partners in Quebec when preparing to vote on bills that affect them.

• (1225)

This time is no exception. The Assembly of the First Nations of Quebec and Labrador and Quebec Native Women were among those who felt that Bill C-3 failed to correct certain injustices, so that is why we initially decided to vote against the bill.

Sleeping on issues like this helps, and so does thinking about it over the summer. This summer, members of various Quebec aboriginal groups and associations discussed this matter at length. They decided that it would be better to accept the federal government's offer, so they asked us to apply a "bird in the hand is worth two in the bush" philosophy. The Bloc Québécois will therefore vote in favour of Bill C-3. I think this is a good time to share the words of Ellen Gabriel. Here is what she told the committee:

...for membership, you have to be a status Indian. That doesn't necessarily mean that if you have status, you have membership. That's been the problem for a lot of indigenous women who regained their status in 1985 but who are not allowed to live in their communities, to be buried in their communities, or to own land that their parents give to them... If this bill is going to be passed...then we need some guarantees that band councils will also respect it.

Ellen Gabriel is the president of Quebec Native Women.

I must stress that the federal government promised to establish an exploratory process. It committed to working with aboriginal organizations to establish an "inclusive process for the purpose of information gathering and the identification of the broader issues for discussion surrounding Indian registration, band membership and First Nations citizenship." The government's intention is not very clear, and neither are the objectives of this exercise. Will it be a proper consultation, for the purpose of amending the Indian Act to bring it into line with the expectations of aboriginals? Will the issue of registration, band membership and citizenship be resolved? This exploratory process will take place before the implementation of Bill C-21, which would repeal section 67 of the Canadian Human Rights Act, and which would apply to reserves as of June 2011. So it is important to use these consultations to identify the problems with the Canadian Charter of Rights and Freedoms with respect to the Indian register.

Another problem with the enforcement of Bill C-3 is that the federal government did not do its homework and has not estimated the cost of adding people to the Indian register. The Bloc Québécois does think that we should register new Indians, but not at the expense of those who are already registered. In other words, the federal government will have to increase funding for first nations to ensure that the needs of new registered Indians are met, while still meeting the needs of those who are already registered.

In conclusion, I want to remind all members in this House that they have a duty to ensure justice and fairness for aboriginal women and their children, and I urge members to support Bill C-3. I would also like to remind the federal government that, although it stated its intention in the latest throne speech, it has still not endorsed the UN Declaration on the Rights of Indigenous Peoples. That is shameful.

• (1230)

[English]

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, as my colleague suggested, a number of women are still disenfranchised by the bill. Perhaps there will be 45,000 extra people who have status and, as he rightfully said, they will have to be funded either through the department's programs or those programs devolved to aboriginal governments or organizations. But why does he think the government introduced a bill in which only 45,000 were included, of perhaps the 200,000 people who are still discriminated against by the Indian Act? Why are so many people left out and only a small portion of the people included in this bill when it could have fixed the entire problem?

[Translation]

**Mr. Yvon Lévesque:** Mr. Speaker, I would like to thank my colleague for his question. He is very knowledgeable about first nations issues because he lives in a region where there are very many first nations people.

Following the McIvor decision, the government realized the scope of the task ahead of it and the first nations' lack of funds to implement this decision. The fewer people the government needs to include, the more likely it will be to succeed. That is not really fair. As my colleague heard in committee, Ms. Palmater said:

One of the main issues here is that prior to 1985, bands did not have control over their membership. That was a determination made by Canada for all bands. So when we're talking about reinstating the descendants of Indian women who married out to status, that should also include band membership, because it was at a time when bands didn't have control over their membership.

...There should be no question whatsoever that the descendants of these Indian women who married out should be added to band membership because that was Canada's responsibility at the time. How can we add them to status only and not membership? And if you're asking for suggestions or if I will submit something further, for sure.

In following through with its commitment, the government needs to consult with the bands and come to an agreement with them. I hope that this will happen.

[English]

**Hon. Larry Bagnell:** Mr. Speaker, I hope the Parliamentary Budget Officer and the Auditor General take note of the problem the member has just pointed out. Nobody wants people to be discriminated against, but the first nations and other aboriginal governments that are responsible for delivering services will now have 45,000 new members, if this passes.

First, there have to be audits to make sure the Department of Indian Affairs provides all the services to those 45,000 people, whether it delivers them directly or whether they have been devolved to the first nation, and transfer agreements would be passed on. However, those first nations, as the member has pointed out, also deliver a number of other services to people they determine to be members. How will they fund those? They will require extra funding.

Is the member, during committee hearings, aware of any study that was done by the government or statistics that were put forward to outline—

*Government Orders*

•(1235)

**The Deputy Speaker:** Order, please. I have to stop the member there to give enough time. There are only 30 seconds for the hon. member for Abitibi—Baie-James—Nunavik—Eeyou.

[*Translation*]

**Mr. Yvon Lévesque:** Mr. Speaker, I completely agree with my colleague's comments. Obviously, the federal government has its work cut out for it. We have already identified 45,000 people and, as my colleague said earlier, there may be 200,000. It is time for Canada to integrate these first nations and stop treating them like cattle. That is how they are treated. We make decisions for them and do not allow them to participate in the development of this country and enjoy the benefits of that development. We must begin today to make that vision reality.

[*English*]

**The Deputy Speaker:** Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Motion No. 1 agreed to)

**The Deputy Speaker:** The next question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Motion No. 2 agreed to)

**Hon. Rob Nicholson (for the Minister of Transport, Infrastructure and Communities)** moved that bill, as amended, be concurred in.

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

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Motion agreed to)

\* \* \*

#### STRENGTHENING AVIATION SECURITY ACT

The House resumed from October 19 consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the second time and referred to a committee.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am very pleased to have the opportunity to speak in the debate on Bill C-42, An Act to amend the Aeronautics Act or, the short title as suggested by the government, the strengthening aviation security act.

We know the government has been very creative in selecting short titles or nicknames for some of its legislation. This is one of the least creative it has come up with. There are probably some other possibilities that should have been considered, certainly from a New Democratic perspective. We might have called this the compromis-

ing Canadians' privacy act, or the caving in to U.S. security interests act or the dumping Canadians' personal information into an American black hole act. There are a number of other possibilities. Given those suggestions, it is very clear that New Democrats have very serious concerns about the legislation and that we do oppose the bill.

The bill would amend the Aeronautics Act to exempt airlines from the obligations set out in the Personal Information Protection and Electronic Documents Act, or PIPEDA, to allow information in the airlines' control about passengers to be shared with a foreign state.

Currently this information is only shared when a Canadian plane is scheduled to land in a foreign country. However, the bill would expand that to cover any Canadian plane that is due to fly over a foreign country. We are primarily talking about Canadian flights to the United States and over the United States, and certainly over the United States, and it is the United States that is driving these changes.

It is also done in the context where we know that the United States has not always appropriately or justly used the information it has received. I think for all of us the case of Maher Arar comes immediately to mind in that circumstance.

We know there have very serious problems. The situation that Mr. Arar found himself in was a horrible situation and it arose from this kind of transfer of passenger information to a foreign authority.

The bill does not currently cover flights of Canadian aircraft between Canadian destinations that fly over another country. When I fly back and forth from Vancouver to Ottawa, often the flight will go over the United States. Right now, information about the passengers on those flights is not shared with the Americans. However, one wonders when that will happen. I suspect that is the next ask from the Americans when it comes to sharing passenger information. I expect it is not far down the list of demands that the Americans will make of us in this regard. I think that will be a huge concern to Canadians, not that the current proposal is not a real concern to them, because it is.

By proposing to exempt Canadian airlines from the obligations they must currently meet under PIPEDA, the government is throwing out the key operative principles of PIPEDA, which were established to protect the privacy of Canadians, principles such as accountability, identifying purposes, consent, limiting collection, limiting use disclosure and retention, accuracy, safeguards, openness, individual access and challenging compliance. There are 10 principles and they are outlined in great detail in schedule 1 of PIPEDA.

For instance, the first principle is "Accountability" and is described as:

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

It goes on to outline four subsidiary principles from that one on accountability, relating to how an organization handles the information under its control.

### *Government Orders*

The second principle in schedule 1 of PIPEDA is “Identifying Purposes”, which is explained as

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

Therefore, there is a requirement around clarity of what is around the sharing of that information.

The third principle in schedule 1 attached to PIPEDA is “Consent”. It says:

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

● (1240)

The fourth principle is “Limiting Collection” of information. It says:

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

This one goes on to be elucidated with further sub-principles.

The fifth principle, “Limiting Use, Disclosure, and Retention”, is described as:

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

There are some pretty particular requirements in PIPEDA around that principle.

“Accuracy” is the sixth principle. It says:

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

Again, it is further elucidated in the schedule.

“Safeguards” is the seventh principle in PIPEDA. It says:

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

Therefore, organizations are required to safeguard and make appropriate arrangements for the protection of that information.

The eighth principle is “Openness”. It says:

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

The ninth principle is “Individual Access”. It says:

Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

The tenth principle is “Challenging Compliance”. It says:

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

PIPEDA has a very detailed outline of the kinds of principles that should be part of any process of sharing the personal information of Canadians by organizations in the private sector, which airlines are required to comply with currently. What this law seeks to do is grant an exemption to that schedule for airlines with regard to passenger information.

Instead of developing an agreement with the United States that addresses these principles and complies with PIPEDA and showing where security requirements might require some change or safety might require a compromise, what we are presented with in the legislation is a blanket override of PIPEDA. There is no subtlety to this. It gives the government the ability to negotiate something with the United States or another country that completely ignores the requirements of PIPEDA around the sharing of the personal information of Canadians, and I do not think that is appropriate.

PIPEDA outlines some important principles that should be considered and struggled with. It may well be that there is an appropriate compromise to be had in a case of national security, but we will not that out of the process that is elucidated in Bill C-42.

When we look at the current Aeronautics Act, there are a lot of places in the act where the minister has discretion in the name of national security. In that circumstance, where there is a combination of an override of the principles established in our law about the personal information and privacy of Canadians and it is combined with an override by the minister, which is hugely discretionary, there is a huge potential for problems and one that goes much too far, especially when we look at the record of the current government.

The government has shown on many occasions that it is always ready to compromise the rights of Canadians in the name of the fight against terrorism. It seems like we just have to say the “T” word and all kinds of other things are expected to fall away, things that we hold dear. Rather than a careful reasoned approach to coming up with policy around national security and safety sometimes, the government goes to an extreme. We have to look at the situation of the security certificate cases. A provision in the Canadian Immigration Act, which was intended to allow for expedited deportation of non-citizens and non-permanent residents, has been used in some cases for indefinite detention, not the purpose for which it was intended.

● (1245)

When we look at some of the specific cases that have been argued and taken to court, we can see that, even when the government extended and re-issued security certificates in the name of national security and the concerns it had about individuals' attachment or participation in terrorist organizations or terrorist activity, the government did not follow the process very appropriately. It did not review all of the information at hand. It did not make available all of the information that was available. In one particular case it did not update its files on the individual involved.

The concern for security allowed all kinds of other sloppiness to happen in that process. I think it was pretty damning of the former minister of public safety and his actions in regard to the re-issuance of security certificates in the court judgment to which I am referring.

There are problems with how the government has approached the use of information in the situations where it has determined it believes there is a question of national security. We have to make sure that all information is taken into consideration in those cases.



*Government Orders*

Another example might be the use of full-body scanning at Canadian airports, and more intrusive forms of full-body scanning are on the way. We know that backscatter technology, which has been developed and which is being implemented in some American airports, gives a sharper, more defined image than the very basic image the current technology that is in use here in Canada. It is already available and being deployed in some places in the United States.

Canada jumped on that band wagon, probably at the urging of our American neighbours. We have invested heavily in full-body scanning equipment; I think it is millions of dollars. Probably if they had their choice, Canadians would have preferred the kind of scanners that go into hospitals rather than these airport full-body scanners. That is a question about how we use the technology and how we make decisions around security.

It is interesting to look at the example of Israel. An Israeli airline security expert appeared before a parliamentary committee to say that he had great doubts about the value of this kind of technology and did not see Israel moving to adopt that technology. He said Israel thought there were more effective means of ensuring passenger safety and airline safety that did not go down that road.

Again, it seems as if we jumped on a band wagon to appease our American neighbours and their concerns about safety and security. Why would we do this? That is a good question, why we continue to adopt the American agenda, why we do not take our own particular course and why we do not try to negotiate something different with the Americans.

I think there is a concern with regard to the transfer of data to Americans, that the Americans might prevent Canadian airlines from flying over the United States on the way to another destination and that this would increase the cost and be very inconvenient for the airlines and for Canadian airline passengers. There has been some suggestion that they are holding that out as a possibility if we do not comply with this demand for passenger info for Canadian airline flights that are not planning on stopping in the United States, that are not destined there.

I hope that is not the case. Certainly that idea has been floated. The reality is, as my colleague has pointed out, that there are far more U.S. flights flying over Canada to other destinations without stopping in Canada than Canadian flights flying over the United States to other destinations. In fact it is something like 2,000 U.S. flights flying over Canada when only 100 Canadian flights fly over the United States. That is the proportion.

So it is a bigger issue, in some sense, for Americans. What is the reciprocity? Are we demanding similar information from the Americans, or do we see any need to do that? Why would we ask for that personal information about American airline passengers? I think that is the real question. If it is something we do not see the need for, why are we kowtowing to the Americans' demand for it?

The European Commission is also looking at this issue, and last month it released proposals for negotiating an agreement with the Americans and other countries regarding the limits on the transfer of passenger name record data, which is the basic information that we

are talking about here. It is the information that airlines collect about us when we fly.

● (1250)

We have to wonder why it would be necessary for airlines to share, for instance, what kind of meal we ordered on the plane, and if we are ordering a special meal of some kind, how this is appropriate or is any kind of information that is necessary to national security or a national security arrangement.

Canada also has an agreement with Europe on the passenger name record issue, but apparently it has to be renegotiated due to the expiration of certain legal commitments. That is something that is either being engaged in or will be engaged in soon.

As I mentioned, last month the European Commission outlined some principles that any PNR, passenger name record, agreement should observe.

I want to go over them so we can see what the Europeans are demanding in their agreement with the United States and other countries. The first principle they are looking to enshrine in any agreement is the protection of personal data, aiming to protect the rights of passengers. They are saying that this data should be used exclusively to fight terrorism; that categories of this information that are exchanged should be limited to what is necessary for that purpose and be clearly listed in the agreement; and that passengers should be given clear information about the exchange of their PNR data and have the right to see their PNR data and the right to effective administrative and judicial redress. This is to help ensure full respect for privacy, that any violation of privacy will be remedied.

They are pointing out that decisions having adverse effects on passengers must never be based on an automated processing of passenger name record data. A human being must be involved before a passenger is denied boarding. This is their attempt to avoid racial and religious profiling of passengers.

I think that is a very crucial one, that this just cannot be some computer generated process but that actual real people must be involved when there is a negative decision involved.

The Europeans are also seeking to have in the agreement that third countries must ensure a high level of data security and an effective independent oversight of the authorities that use PNR data. They are also saying that PNR data cannot be stored longer than necessary to fight terrorism and third countries should limit who has access to the data gradually during the period of retention.

They are also saying that PNR data may be shared by the third country with other countries, in a process called onward transfer, only if those countries respect the standards laid down in the PNR agreement between the European Union and the third country and only on a case-by-case basis.

*Government Orders*

I think this is a really crucial aspect of this. What happens with the information about Canadians that is provided to, say, the United States? Is that information then available to be transferred to another country, which may not meet the standards that Canadians want to ensure and may not even meet the standards that Americans have agreed to for the treatment of the personal data of Canadians? I think that is a very crucial consideration that we should be insisting on as well.

The second principle that the Europeans are using in terms of negotiating these agreements is the modalities of transfer of the PNR data, which aim to provide legal certainty to air carriers and keep costs at an acceptable level. We have to worry about what costs are involved for airlines.

They are also talking about standards on monitoring the correct implementation of the PNR agreement. And reciprocity is another principle, which I have already mentioned.

We can see that the Europeans are making some very clear demands. Yet here in Canada we are debating legislation and we have no idea what demands our own government is making. The government is asking for a blank cheque to make these changes, to negotiate this agreement, and we have no idea where it is going with it.

I think there are very serious problems. Canada's privacy commissioners in the past have called for written agreements that can be examined, and that was a very serious question when they were looking at the passenger protect program in 2007. We need to make sure we have the detailed and specific agreements and the detailed and specific legislative authority for the provisions of those agreements.

I think we compromise the principles of PIPEDA at our peril. That is what this legislation seeks to do.

● (1255)

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I listened very carefully to my colleague from Burnaby—Douglas on this issue, and it amazes me to discover, from his speech and from what else we have learned about the bill, that the government intends to enter into an agreement on the use and transfer of data without Canadians having any idea where this information is going to go.

If we happen to go on a holiday to Mexico and are flying over the United States, with no intention of even being in the United States, information about us is going to be made available to the American authorities and there apparently are no guarantees from anyone as to where this information will ultimately go, how long it will be kept or to whom it will be given.

This runs counter to the principles contained in not only our own privacy legislation but, as other countries have determined, the same thing goes for the United Kingdom. The House of Lords' European Union Select Committee had a similar problem with the issues in the agreement between the U.S. and the EU in terms of informing passengers about what happens to their data and specifics about what can be collected, what happens to it and who the data should be going to.

This seems to be required by elementary requirements of privacy. Whether the entire PIPEDA applies is another question, but to just exclude it and say that there is nothing in its place seems to me to be ignoring the privacy rights of Canadians in a very reckless way.

I wonder whether the member has gotten any assurances from the government that that is not going to be the case.

● (1300)

**Mr. Bill Siksay:** Mr. Speaker, I do think it is a really serious issue that there is too broad an exemption in this bill from the provisions and principles of PIPEDA, and when we combine that with the fact that in the Aeronautics Act there is broad discretion for the minister of transport, it is a very problematic combination that will lead to a situation where Canadians really do not know what is happening with our information.

We remember the situations that cropped up when the no-fly list was implemented and the number of people who were delayed at airports or subject to questioning, who missed their flights, who were detained for hours when they were trying to travel and the problems they had clarifying the information, correcting information, and whether they ever really knew if that was done, why that was done or who to approach about it. There were all kinds of problems that arose with the implementation of the passenger protect program.

We should learn something from the implementation of the no-fly list or the specified persons list. There were real problems that came up there, and there will be real problems that come from this proposal to share more personal information of Canadians with countries such as the United States, just because a Canadian is flying to a holiday in Mexico or the Caribbean and the flight happens to go over the United States.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I would really like to hear from somebody as to how this bill is actually going to increase passenger safety with these measures. The fact of the matter is that the bad guys should not be on the plane in the first place, based on the no-fly list and all the security we have in place at the airport.

I am much more concerned about the trusted shippers program, the 1,000 or so companies that are part of the trusted shippers program, because in fact mail, parcels and other packages are routinely put on planes every day. Right below where we are sitting on that plane are all kinds of mail, none of which has been scanned. If we want to look for a real security problem, that is a big area that has to be looked at both in Canada and the United States.

*Government Orders*

Here we are running around, trying to appease the Americans with information on people on 100 flights to the United States, for what reason? We do not even know that giving them the information is going to be of any value in increasing safety. In fact the Americans have 2,000 flights a day going over Canada. Has anybody over here in the government figured out yet that we should be asking the Americans for reciprocity, that if we are going to give them the information on passengers on 100 flights a day over the United States, we want information in its 2,000 over Canada, because we have sovereign airspace as well, and if it wants its planes to be flying around Canada, avoiding our airspace, then it will have to put up with all the complaints it is going to get, thousands and thousands, to its elected people in Congress and to the airlines, because it is going to be inconveniencing the passengers?

We have no problem doing things that make sense and that make people safer, but where is the proof that this is going to happen in this case?

• (1305)

**Mr. Bill Siksay:** Mr. Speaker, I do not know where the proof is. I certainly have not heard it in the debate so far on this legislation and I certainly have not heard it from the government.

The member is quite right to point out that we would probably have already intercepted the bad guys before we shared the information with the United States about a flight flying over its airspace with no intention of stopping in the United States.

He is right to raise the shipping concerns, because that may very well be the weak spot in our security system.

The member talked about reciprocity, whether we should be getting the information about the thousands of U.S. flights that go over Canada. I am not sure that is really the issue. We need to ask ourselves, do we need that information? Is it just to collect that information? Why would we want to have that kind of information about American citizens, American airline passengers? What would Canada do with all of that information? Why should we be collecting that information? Do we really have any interest in that information, or are we just collecting it because the U.S. is collecting it?

That might be the way to draw attention to this issue. That might be the way to get American citizens who are concerned about their privacy and the integrity of their own personal information interested in this issue. However, I am not sure that it is the kind of principle on which we would want to base this kind of legislation.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, I am pleased to speak on behalf of the New Democrats against what I think is a bill that is so thoroughly flawed in principle and execution that every right-thinking Canadian would demand that his or her MP vote against the bill.

This is Bill C-42, which would amend the Aeronautics Act. Let me just say very simply what the bill does. The bill would require airlines in Canada to send information on their passengers, Canadians who are boarding Canadian aircraft, simply if that aircraft flies over a portion of the United States and does not even land in the United States.

For Canadians who are familiar with airline routes, many times a day Canadians get on aircraft, perhaps even flying from one

Canadian destination to another, that may go over American airspace.

My colleague is talking about that perhaps being exempted by the bill, but for flights that are going from a Canadian destination to a foreign destination that does not even touch the United States but simply flies over its airspace for a portion of that, we would have to send information about our passengers to the United States.

What information would be forwarded is determined by requirements that are, up to now, laid out in agreements that we have not even been able to see as parliamentarians. We have a bill before the House that would fundamentally violate Canadians' privacy rights over some very important pieces of information, which I will tell the House about in a moment, and we do not even know exactly what parameters surround that information or what that information would consist of.

What we do know is that Canada has signed or is negotiating agreements with the European Union, Mexico, Brazil, Argentina, Chile, Panama, Dominican Republic and the United States, and that details of the agreement between the European Union and the United States for the same information transfer are troubling.

That agreement allows the following. The information forwarded will be the passenger name record, which is the file the travel agent creates when we book a vacation. This is the kind of information that the passenger name record can include: our credit card information, who we are travelling with, our hotel, other booking information such as tours or rental cars, any medical condition of the passenger that may have been disclosed, dietary preferences, our email address, our employer information, our telephone information, our baggage information, and again, with whom we may be travelling.

This is the kind of information that this piece of legislation would permit Canadian airlines to send to American security authorities without those Canadian passengers even knowing about, even if those Canadians have chosen not to fly to the United States. A Canadian could get up and say that they do not want to go to the United States, that they will not fly there, and they still may be subject to having highly personal information about the passenger being sent to American security authorities simply because that aircraft touches American airspace.

This information collected, as we know in some of these other agreements, can be retained by the United States for up to 40 years. The information may be forwarded to the security service of a third nation without the consent or notification of the other signatory.

*Government Orders*

No person may know what information is being held about them by the United States and may not correct that information even if there are errors. The United States may unilaterally amend the agreement as long as it advises the EU of the changes. There has already been one amendment whereby all documents held by the EU concerning the agreement shall not be publicly released for 10 years, and that is clearly an attempt to avoid access to information requests.

Those are the kinds of details that exist in agreements that we know of and we have every reason to believe are the kind of details that would exist if this very flawed bill were to become law.

Again, as has been pointed out by my colleague, the government has a penchant for coming up with little nicknames for its bills, and this bill has been described by the government as the “strengthening aviation security act”. A true description of the bill would be the “violating Canadians’ privacy act”, because that is exactly what the bill would do.

• (1310)

I want to talk a little about this, because we do not hear the government going out to the public talking about it. I have not heard the Prime Minister or any cabinet minister tell Canadians that the government is secretly negotiating a deal that would see flight information about Canadians transferred to the United States government, even if one chose not to fly to the United States.

I am going to mention two very pivotal words that I think ought to be in every parliamentarian’s mind as we discuss this bill. One is “sovereignty” and the second is “privacy”, and there is a dramatic effect in violating those two principles of Canadians’ rights.

If a person has the same name as someone on a list, he or she may be questioned, delayed, or even barred from flight. Even if one’s name does not match, Homeland Security has told the airlines that the person may be denied a boarding pass, or if the person already has a boarding pass, he or she should be watched.

These are the kinds of real life examples and impacts that this legislation will have on Canadians.

I want to talk about what some eminent Canadians who study these issues have to say about this bill. Ms. Chantal Bernier, the Assistant Privacy Commissioner of Canada, testified before the Standing Committee on Transport, Infrastructure and Communities in May and said:

[P]rivacy and security do not have to be at odds. In fact, they must be integrated. And they converge. They converge in this fashion: privacy commands that we collect as little information as possible, in a minimal approach, and as well in the effectiveness of security, in the sense that its effectiveness rests upon collecting only the information that is relevant.

Let us just pause here. How is it possibly relevant to the United States to know the dietary preferences, the medical conditions, the home telephone numbers, or who a Canadian rents a car from if he or she flies from Canada to Mexico for a holiday? How is that any of their business? How does that enhance security?

The Assistant Privacy Commissioner of Canada also said:

The first [principle] is that the right to privacy is a fundamental right that cannot be infringed upon, unless it is demonstrably necessary for the public good. It follows, then, that the collection of personal information can only occur when it is proven necessary, and it must be proportionate to that necessity.

What necessity has been demonstrated? We do not know, because this again is an agreement negotiated in secrecy.

Before we violate Canadians’ right to privacy, Canadians have a right to know upon what basis that privacy is going to be infringed. Let us get the onus correct here. Canadians do not have to demonstrate why we have a right to privacy, the state has to demonstrate why it seeks to take that away. We have no evidence to suggest that there is any reasonable basis as to why Canadians need to give their information to American security institutions if Canadians are not even flying to the United States.

I want to talk about what Roch Tassé had to say when he testified before the public safety committee. He is with the International Civil Liberties Monitoring Group. He said:

These regulations give the U.S. access to a whole subset of information on air passengers who are not entering the U.S. but merely overflying its airspace. The program gives the government of a foreign country a de facto right to decide who gets to travel to and from Canada, since the vast majority of Canadian flights to and from Europe and all the flights, of course, to Latin America and the Caribbean will overfly U.S. territory.

Let us stop and think about that. Every single flight to Latin America, every flight to the Caribbean, and most flights to Europe would be caught by this legislation and Canadians would have to send their information to the U.S.

He also said:

There are other concerns related to Canada’s sovereignty. For example, half the cabinet of Evo Morales in Bolivia are *persona non grata* in the United States, so if Canada were to invite one of those ministers for a diplomatic meeting in Canada it is ultimately the U.S. that would decide if that minister has the right to come to Canada after being invited by the Canadian government. The same could apply to refugee claimants from Colombia, who, even if they were admitted by Canada, could be denied the possibility of leaving their country by the U.S.

Disclosure of personal information to the Department of Homeland Security on passengers travelling to certain [controversial in the opinion of the United States] destinations, particularly Cuba, could lead to very unpleasant consequences. ... [T]his information could be used to identify Canadian companies that do business with Cuba or penalize travellers who have visited Cuba by subsequently refusing them entry to the U.S.

He asked:

How will Canada ensure that the U.S. does not use the secure flight program to apply its Helms-Burton Act, which imposes penalties on foreign companies that do business with Cuba?

• (1315)

His organization pointed out that it had received testimony from several Canadians who have already been intercepted as false positives by the U.S. list in Canadian airports and have been told by the Department of Homeland Security that the secure flight redress mechanism does not apply to them because the incident did not even occur on U.S. territory. Once again, that leaves Canadians with absolute restrictions on the right to travel with no mechanism for redress.

*Government Orders*

I want to talk a bit about safety and security. The government, which touts this bill as somehow strengthening security, is the same government that earlier this year cut the funding to provide armed police patrols in Canadian airports. This week the government announced that it was cutting the funding that had up to 50 air marshals on Canadian aircraft.

What keeps Canadians safer, sending private information about Canadians to the Americans when they are not even going to the United States, violating Canadians' privacy, or actually having patrols in our airports and air marshals on our aircraft? Shockingly and astonishingly, the government cut the latter two things and is selling out Canadians' privacy interests.

Ever since 9/11, we have said that we want to protect our way of life and that we do not want to give in to terrorism that would seek to disrupt the traditional rights that we enjoy, the right to privacy, the right to freedom, the right to rule of law and the right to live in a modern, mature democracy, because to do so would then, in a perverse way, allow those who practice terrorism to win.

If that is true, and that phrase has often been said by members on the government side, then let us apply that lens to this. Here we are, nine years after 9/11, and we are debating legislation in the House of Commons that would violate Canadians' privacy rights and force Canadians to send information about their personal lives to the United States security institutions when they are not even going to the United States.

This bill would effectively allow the United States to determine when Canadians can leave Canada to fly to many destinations in the world that have nothing to do with the United States. This bill violates Canadians' freedoms, mobility rights and rights to privacy and it is all done in the name of security and keeping us secure. We cannot sacrifice freedom and privacy in the name of protecting liberty. It is a vicious cycle. It does not make sense and it is illogical.

As was pointed out by Madame Bernier, we can have respect for rights, for privacy, for freedom and for mobility, and concoct an effective security mechanism in this country. This bill does not do that. This bill is a one-sided assault on Canadians' privacy, freedom and mobility.

The issue of reciprocity has also been raised and the fact that the Americans, according to what we can discern from this legislation, have put pressure on Canada to agree to these very one-sided and very unfair provisions that violate Canadians' privacy rights. We do not even know if Canada has secured a reciprocal agreement from the United States, not that I think that would make this any better. It does not make Canadians feel any better to know that American citizens may have had their privacy rights and their free movement also truncated by legislation.

What all Canadian and American citizens share in common, I believe, is that we stand up and fight for our rights to live in a free, democratic society and that we fight for our rights and respect our rights to live in a country where our privacy is respected and cherished. We do not want to give up those rights, whether we live in the United States or in Canada. This bill, which would violate those very principles, is put before the House of Commons with hardly a whimper from the other side.

● (1320)

I must point out what is a bit puzzling for me. The Conservatives tend to use and toss around words like "freedom and human rights" quite a bit. The Prime Minister is in Europe today talking about those very concepts in the Ukraine. He actually mentioned human rights and freedom and here we are in Canada debating a bill in the House of Commons that would violate Canadians' personal private right to control information about themselves and may potentially limit their mobility by a decision of a different government that is not even democratically accountable to its citizens. Therefore, a decision made by homeland security in the United States may determine whether someone in Vancouver, Winnipeg, Toronto or St. John's can actually fly to the Caribbean for a holiday at Christmas. If that is a wrong decision, people would not even know and they have no mechanism to redress it.

There is a concept called responsible government and a concept of no taxation without representation. This violates those principles as well. Citizens need to have the ability to influence the policies that impact on their daily lives and that is why this bill violates that and it violates Canadians' right to sovereignty. If we make a bad law in the House of Commons, Canadians have the ability and the right to remove us from office and replace us with someone else. However, how does a Canadian get at an American politician who might make a rule or a law or implement a decision of homeland security that Canadians have no way of knowing about or even addressing? That is fundamentally unjust.

This bill, which would amend the Aeronautics Act, ought to be sent right back to the trash heap from whence it came. Canadians have a right to know exactly what agreements are being negotiated between the Canadian government and any other state about their private information and about any information that may impact or impede their ability to go where they want to go in the world.

It has already been pointed out that we have had real life examples of this. We have the case of Maher Arar. Lest Canadians think that something bad cannot happen to them, Maher Arar was picked up by authorities in the United States and sent to Syria where he spent 10 months in what has been described as a grave-like cell. The Canadian government in 2007 had to pay him over \$10 million of taxpayer money because his rights were violated. Why? It was because information was used by the United States against a Canadian citizen and that person suffered torture and unbelievable harm as a result of that.

Has the government learned from that lesson? I do not think so, not if it tables legislation here that would enshrine potentially thousands of Maher Arars. Any Canadian travelling from a Canadian airport would run the risk of having his or her name and personal information similarly misunderstood and misapplied by the American security institutions with no avenue of redress. Again, that is wrong.

*Government Orders*

I want to point out again that this is not for a Canadian citizen who is flying to the United States. If that were the case, the present Aeronautics Act already allows information to go to the U.S. security apparatus if people are flying to the United States, which is reasonable because Canadians can choose not to fly to the United States if they do not want their information to go there. However, this would allow the United States to get information about a Canadian, notwithstanding that the Canadian is not flying to the United States but is choosing to fly somewhere else in world. That is astonishingly misconceived.

Canadians want to live in a secure country but they do not want to sacrifice their fundamental liberties to do so. Once again, we can live in a country where we rationalize our need for security and safety and our respect for our fundamental rights that we have as Canadian citizens living in a mature western democracy. In fact, as parliamentarians, that is exactly what we should be doing. We should always be seeking to ensure that balance is maintained.

Benjamin Franklin said that those who would sacrifice their liberty to gain a little security deserve neither.

● (1325)

I hope that when government members read this legislation they will go to their cabinet ministers and the minister responsible and tell them that this bill would violate our liberties and harm our constituents. Any time a constituent wants to fly to Mexico or somewhere—

**The Deputy Speaker:** Questions and comments. The hon. member for Thunder Bay—Superior North.

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Mr. Speaker, as usual, the hon. member for Vancouver Kingsway is well informed and quite erudite. I am quite impressed. I thank him for doing such a good job of describing what is happening and the implications of this bill.

I wonder if he would be willing to share his opinion on why such a silly bill is being promulgated. Is it that the Conservatives are more concerned about the wishes of foreign countries than they are about Canadians' right to privacy? Is it that the Conservatives are paranoid on this issue? Worst of all, is this a deliberate strategy, learned from George Bush and Dick Cheney, on how to instill false panic among Canadians so that they will not notice the largest deficit in Canadian history and the loss of Canadian democratic rights?

**Mr. Don Davies:** Mr. Speaker, I remember a time in this country when Canadians were proud of the fact that their government charted an independent course on the world stage and where we acted with respect and maturity but had no problem telling other countries that we will fight for and protect Canadians' rights.

I remember a time when Canadians expected their government to stand up to attempts by governments, the U.S. government in particular, to violate Canadians' expectations of sovereignty. I cannot explain exactly why that does not seem to be a priority for the Conservative government.

The Conservative government has left a Canadian citizen languishing in Guantanamo Bay. It is the only government in the world that has let one of its nationals stay in an illegal U.S. prison in Cuba and not do anything to repatriate that person.

**An hon. member:** A Canadian child.

**Mr. Don Davies:** A Canadian child at the time.

The government has failed to repatriate many Canadians convicted of crimes abroad. It wants to make it easier to refuse entrance to those Canadians to serve their sentence in Canada. Never before in my lifetime have I seen a time when the Canadian government is less interested in standing up for Canadians and protecting their rights on the world stage. This bill is further evidence of that.

This bill has been described as nothing more than a data mining exercise for U.S. security institutions to get information rapaciously about any person in the world so Americans can think they are secure. However, there are other principles besides security in this world. There is privacy, liberty, freedom, respect and sovereignty. I would commend the government to pay attention to these principles as well.

● (1330)

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.):** Mr. Speaker, in the course of this debate, we have heard quite a bit about the fact that rules are already in place that help to provide for the security of Canadian citizens. According to this bill, we would be taking this one step forward, whether it is the creation of a no-fly list or whether it is providing security information to other countries, and, invariably, the United States of America keeps coming up as one of the places that could use or possibly abuse this information. We juxtapose that with personal liberties and the fact that we respect privacy in this country and, I gather from my colleague, this bill would truly violate those liberties that we hold so dear.

With the current rules in place, how would this bill make it that much more insulting? I am not saying that I do not disagree with that but would the member just bare down the details of the bill on how this would be an insult to our personal liberties and freedoms?

**Mr. Don Davies:** Mr. Speaker, this is obvious from a reading of the bill itself. It requires Canadian airlines, which currently control information about their passengers, to send information to the United States about every passenger, whether or not the aircraft is going to land in the United States. The plane may only touch U.S. airspace.

Under the current Aeronautics Act, information about the passengers is sent to the American authorities if the plane is going to land in the United States. That is reasonable.

But requiring Canadian airlines to give passenger information to American security institutions when the plane is not even going to land in the United States may have the effect of compelling the airline to refuse to board a person because the Americans will not let the person fly over their airspace.

In effect, the American government will determine when a Canadian citizen can fly to a non-U.S. destination.

*Government Orders*

I cannot explain it any simpler than that. It is a profound violation of Canadians' mobility rights, a fundamental abdication by the Canadian government of its responsibility toward its citizens. The government has a duty to facilitate Canadians' ability to travel where they want unless there is a good reason not to do so.

This bill eviscerates the notion of responsible government as well as Canadians' rights of privacy and sovereignty. What Canada should do is say to the United States, "With respect, we will not give you information about our Canadian citizens when our citizens are not even coming to your country".

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I have a practical question which I presume all Canadians would want to have answered.

What exactly is the effect of this list of information? Does this mean that the Americans can prevent a person from boarding a plane that will overfly the United States? Who is it going to apply to?

We have practical questions, complaints, and concerns from citizens. For example, if a couple shows up on a flight to Florida with their three children, and the husband has a criminal record that might be 40 years old, and the American authorities have information about the criminal record but no record of a subsequent pardon, is this man at risk of being deplaned while the children and spouse carry on? Information might be considered inconsequential in Canada but not in the U.S.

Can the member give us any assurance that this is innocuous? The member for Bonaville—Gander—Grand Falls—Windsor said it would make no difference. My concern is that it makes practical differences, but we do not yet know what they are.

• (1335)

**Mr. Don Davies:** Mr. Speaker, I can quote the Liberal transport critic, who said, "Canadian sovereignty has gone right out the window with this bill. You're going to be subject to American law".

In answer to my hon. colleague from St. John's, the practical answer is yes. Yes, it means that a Canadian could be prevented from boarding an aircraft because of what the Department of Homeland Security says.

If a person's name matches someone on an American no-fly list, the person may be questioned or barred from that flight. Even if the person's name does not match, Homeland Security tells the airline in Canada whether or not the person can be issued a boarding pass.

Talk about an abdication of sovereignty. We are letting the Department of Homeland Security in the U.S. decide who gets to board an aircraft in Canada to fly from Canada to a country other than the United States. The consequences of this could be devastating.

Canadians cross the border every day to the United States, and we are stating to experience more risk of being denied entry to the United States because of information we know nothing of, with no mechanisms of redress.

The United States is trying to reach into Canada and control our travel to countries other than the United States. This is wrong. It is a violation of our sovereignty. It is a violation of Canadians' privacy. It is a fundamental question of Canadian sovereignty, and I would hope

that the government stands up for those principles, as it likes to claim.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, for many Canadians who are unemployed because of Conservative government's actions, and who are taking a breather from hitting the streets to look for work by watching the House of Commons on CPAC today, what they have seen is a common theme.

Earlier today, the Conservatives were trying to foster the trade bill with Panama, a country that tied for the worst in the world in the laundering of drug money. The government essentially wants to give the regime in Panama a vote of confidence and allow Canadian companies and individuals to launder money in Panama.

Here it has gone one up. Clearly, the Conservative government has jumped the shark. This was the government that was supposed to be strong on privacy, strong on crime issues, and what we are seeing is that it is encouraging money laundering. Now, as my colleague, the member for Vancouver Kingsway, said earlier, it is ripping up the rule book on the Privacy Act.

This is not a long bill. This is a bill of exactly one page, but what it says should be of some concern to all Canadians who want their personal information protected.

Regarding section 4.83 of the Aeronautics Act, this bill says, "Despite section 5 of the Personal Information Protection and Electronic Documents Act", despite what currently exists, which is personal information protection and electronic document protection, it is throwing all of that out the window. Now when an aircraft leaving Canada either lands in a foreign state or flies over the foreign state, all the information that is on the passenger name record is available to the foreign state.

Let us recap. The government has thrown the Personal Information Protection and Electronic Documents Act out the window. If a person is landing in a foreign state or flying over the state going somewhere else, it is open season on that person's information.

It is hard to believe how irresponsible the government is becoming. It is not just the corruption allegations that we are hearing daily. It is not just the incredibly bloated deficit, the inability to control spending, the fake lake, or the inability to deliver any programs that actually improve the lives of Canadians. It has not destroyed health care yet, but it would like to if it were given the opportunity. It is not just that. It is that now it is doing things that are—

• (1340)

**The Deputy Speaker:** Order, order. I would ask the hon. member for Burnaby—New Westminster to come to order when the Speaker asks him to.

The hon. member for Wetaskiwin is rising on a point of order.

*Government Orders*

**Mr. Blaine Calkins:** Mr. Speaker, I respect the opinions of all members. We parliamentarians are allowed to speak on matters that are important to our country, to our constituents. However, a matter of relevance should be brought to question the hon. member's comments. I believe that he is speaking off the cuff in an attempt to filibuster this bill. If he could get back to the relevance of the bill before the House, that would be great.

**The Deputy Speaker:** I thank the hon. member for Wetaskiwin. I am sure the hon. member for Burnaby—New Westminster will keep the rules of relevance in mind as he finishes his speech.

**Mr. Peter Julian:** Mr. Speaker, my comments are relevant, but it is not something Conservative members like to hear. They will be hearing it more and more, however, from the public in their ridings. When we look at the implications of Bill C-42, when we couple it with all of the other inept actions of the current government, Canadians should be really concerned about what is going to happen to their personal information.

This short bill rips up the Privacy Act. This short bill says that if we just fly over a foreign country, never mind whether we land there, all of a sudden our personal information can be passed over to the foreign state, whose laws we do not know.

Who is the current government signing this deal with? It is signing it with the United States. But it is also signing it with Mexico, the Dominican Republic, and Panama. These are not countries known for their openness. In fact, Mexico rates very low on the international scale of corruption, the Dominican Republic is not a democracy, and Panama is now tied for worst in the world, according to the IRS, for laundering drug money. Yet, the Conservatives want to give the Panamanian secret service open access to Canadians' private information. That is brilliant, but not at all corresponding to what they said.

Back in 2007, the government, before it jumped ship and decided not to pay any attention to Canadians' wishes, issued a press releasing saying how strongly it opposed doing what it is doing today. It said it opposed handing over the personal information of Canadians to the U.S. It also said that the consent to give access to personal privacy records was central to Canadian privacy standards. A year later, before that first prorogation, when the government was on the ropes, it assured us that this type of program would not apply to Canadians. It said that the U.S. had said that a program of this nature would exempt countries like ours with comparable security systems.

This was in response to planted questions during question period from the government's own members.

At the time, the Minister of Transport said they were not going to go that route. The minister said, "Our government is committed to respecting the safety, security and privacy of each and every Canadian".

Today, with Bill C-42, the government has thrown that out the window. All of its pretensions, all of its promises, like the promise to have prudent financial management, or the promise to respond to the needs of rural and northern Canadians, have been ripped up. Now we see that the commitments made in 2007, 2008, and 2009 have been

ripped up and replaced by this bill, which would do the exact opposite.

What is in the passenger name record that is now being handed over to intelligence agencies in places like Panama and the Dominican Republic, simply for the act of flying over? If we want to fly over those states, the current Conservative government is saying our records are free game.

This is where it gets very interesting and very worrisome for those Canadians who value their privacy.

I know the member for Wetaskiwin will want to jump up on this, but for the government to ditch the long form census, to rip it up because of so-called privacy concerns, when it is willing to do this, is an absolute crock. It is pure hypocrisy. On the one hand, the government says it is going to rip up the long form census. On the other hand, the government says it is going to give people's personal information on the passenger records to the secret service of Panama. There is no problem at all.

● (1345)

For Canadians who are not aware of this, the passenger name record is a file that is created by the travel agent when the ticket is booked. This system was created by the travel industry to facilitate travel. The booking information is passed along. It is considered confidential and private. That is why in this bill the government is ripping up the Personal Information Protection and Electronic Documents Act, because it is protected information now. It can contain credit card information, who a person is travelling with, where a person is staying, the person's home address and other contact information, any medical conditions the person suffers from, even what the person ate on the plane. That is the passenger name record that is protected by the Personal Information Protection and Electronic Documents Act, which would be ripped up by the government.

Now the government is saying that personal information would be shipped to the Dominican Republic's secret service or the Panamanian secret service for the simple act of flying over part of a country to get to somewhere else. Is that absurd and irresponsible? Absolutely, but that is what the government is purporting to do in this bill.

It will be interesting to see over the course of the next few hours whether any Conservative members are going to have the guts to stand up and try to defend this action. This is in direct contradiction to the promises they made prior to the election campaign and in direct contradiction to the promises they made subsequently, even in response to Conservative members' own questions.

Does this bill that rips up the privacy act correspond in any way to the prudent collection and protection of personal information? It does not. It would be worthwhile to take a few minutes to talk about what the government should be doing and what it has not done.



*Government Orders*

For example, the European Commission has established principles for data collection that must be observed. These principles include, first, a purpose limitation. Private personal information has to be processed for a specific purpose and subsequently used or further communicated only in so far as it is not incompatible with the purpose of the transfer, in other words, one purpose. That is not contained in this bill in any way.

Second is the information quality and proportionality principle. The information should be accurate and kept up to date. The information should be adequate, relevant, and not excessive in relation to the purposes for which it is transferred and further processed.

That is not in this bill at all. There are no safeguards at all. There is one paragraph on ripping up the Personal Information Protection and Electronic Documents Act with respect to air travellers, but there is nothing that replaces or puts into place any protections subsequent to that.

Third is the transparency principle. Individuals should be provided with information as to the purpose of the processing and the identity of those in control of the information in the third country.

This bill does nothing of the sort. It is transferred wholesale and the individual would not even be aware that if he or she flew over Panama his or her personal credit card information may be given to the Panamanian secret service.

Fourth is the security principle. Technical and organizational security measures have to be taken by those in control of the information appropriate to the risk presented by the processing.

Again, there is not a single word of protection and security of that information in this bill.

Fifth is the right to access rectification and opposition principle. The subject of the information should have the right to obtain a copy of all the information relating to him or her that is processed and a right of rectification of the information that is inaccurate.

There again, there is not a single word regarding that European Commission principle on data transfer and personal information in the bill.

Sixth is the restriction on outward transfers. Transfers of personal information to further countries should be permitted only where the second country is also subject to the same rules as the country originally receiving the information. That is perhaps the most important.

•(1350)

Here we have a bill that rips up protections offered to Canadians and does not provide any of the principles that are best practices worldwide. I mentioned the European Commission. These are best practices in any industrialized first country. Yet the transfers of the personal information is given over to the Panamanian government, or to the Panamanian secret service, or to the Dominican Republic and its secret service. As we know, that country is not a democracy and yet it is included in this bill and there are no protections at all.

All six of the principles of personal information protection, security and data management are violated in the bill. It is not as if

the Conservatives missed by a few words, that they almost got it right, that they really tried to protect Canadians' personal privacy and just missed one of those principles because they did it too quickly, as they do with many of their crime bills on the back of a napkin. They mess up and then the bill goes to committee and the member for Windsor—Tecumseh endeavours to fix the errors. Sometimes we are able to fix them, but sometimes the Conservatives do not co-operate. But we are not talking about missing it by an inch, or a foot, or a metre, we are talking about missing it by a country mile. The Conservatives did not include a single one of the six principles of personal information protection, not a single one. They ripped up the Personal Information Protection and Electronic Documents Act and did not replace it with anything. It is open season.

If people fly over Panama, their information is gone and there is not a single element of protection in this two clause bill. The Conservatives did not seem to understand the problem, except when we go back to the commitments made over the last three years. They obviously understood in 2007 when they committed not to do this. They obviously understood in 2008 and 2009 when they said they would not do this. Now it is 2010 and they toss this bomb on the floor of the House of Commons for all Canadians who are concerned about their personal information being spread far and wide and there is not even an explanation.

The Conservatives have not stood up in the House and tried to defend or explain this bill. Maybe it is because the Prime Minister's Office has not issued its one page of speaking notes. Still, one has to wonder when they do something so irresponsibly, not ineptly in this case, because they have not responded to any of the data management protection, any of the personal information protection. They have not responded at all. They have just acted as if people can hand over their credit card information and it is okay if a Panamanian secret service agent has it. It is no problem at all, say the Conservatives.

In this corner of the House we tend to review legislation very critically. We go through it word by word. In this corner of the House we are not standing for that kind of irresponsible behaviour.

There is a wide range of people who have spoken against the bill and have raised concerns about it. I want to mention two.

Roch Tassé of the International Civil Liberties Monitoring Group said about this bill that the Americans will have a veto on every passenger who gets on a plane in Canada even if they passengers are not going to set foot on American soil. Mr. Tassé asked what would happen if Canada invited the ambassador from a country such as Cuba, if we now have to share that personal information even if the plane is just flying over the United States. What could the consequences be?

More important, the Air Transport Association of Canada has said:

The submission of Canadian passengers' details by Canadian airlines violates Canada's laws on the protection of personal information and electronic documents, as well as laws on aeronautics.

*Statements by Members*

That is why we are seeing this bill today. Because it violates Canada's laws, the government through some subterfuge is trying to get this through the House of Commons hoping that opposition members will not be concerned about what is a wholesale handover of Canadians' personal information.

• (1355)

In this corner of the House, NDP members always stand up for ordinary Canadian families. We are the ones who stand up. We are the ones who have read through this document. We are saying that this is irresponsible, inappropriate and we are not going to stand for it.

The fact is that the government has put forward a bill that removes personal information protection, removes that key component and yet in no way replaces it with any of the principles of data management, of personal information protection. The fact that the government is doing this is highly irresponsible. It is something that the NDP will oppose.

As our critic, the member for Western Arctic, has said so eloquently in this House, we are not going to allow information, such as credit card information, whom people are travelling with, where they are staying, their home and other contact information, medical conditions, even such details as what people ate on the plane to be dispatched wholesale, left, right and centre, without any due regard to protection of personal privacy or protection of personal information. We are simply not going to stand for that.

Finally, I am going to cite a comment from a United Kingdom House of Lords' European Union Select Committee report on the passenger name record:

We believe that the use of PNR data for general law enforcement purposes...is undesirable and unacceptable.

We have had comment after comment from people who are concerned about protection of privacy rights and people who are concerned about personal information protection. We have had very eloquent comments from a number of members of Parliament, particularly from this caucus. There has been a very strong reaction. What the government should be doing with this bill is it should be taking a step back. This is a violation of its promise and commitment to Canadians, and it should withdraw this bill. We certainly hope it will do that having heard the comments about this atrocious bit of legislation.

**The Speaker:** There will be 10 minutes for questions and comments consequent on the hon. member's speech when debate resumes on this bill.

\* \* \*

**AUDITOR GENERAL OF CANADA**

**The Speaker:** I have the honour to lay upon the table the fall 2010 report of the Auditor General of Canada.

[Translation]

Pursuant to Standing Order 108(3)(g), this document is deemed permanently referred to the Standing Committee on Public Accounts.

**STATEMENTS BY MEMBERS**

[English]

**A CAPITAL EXPERIENCE**

**Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC):** Mr. Speaker, there is a special group of students here today. They are participating in a program I call "A Capital Experience", where student leaders from each of the seven high schools in my riding come to Ottawa for three days each year to learn about career opportunities in public life.

They have visited Parliament, the Embassy of South Korea, Amnesty International, the Department of Foreign Affairs, the Press Gallery and the University of Ottawa.

I wish to thank those who shared their time with these students and thank the businesses and service clubs who sponsored them.

Today I welcome to Parliament: Alex Jebson and Rebekah Lindensmith from Brock; Keagan Comber and Kelsey Priestman from Crestwood; Madison Frank and Devon Jackson from Fenelon Falls; Hayley Sullivan from Haliburton; Dan Lowe and Hayley Preston from I.E. Weldon; Emma Whyte and Brandon Rimmelgas from L.C.V.I.; Paige Cleary and Paige Cooke from St. Thomas Aquinas; and Haley Roter from Apsley.

I ask my colleagues to join me in wishing these young people all the best as they make decisions regarding their future careers.

\* \* \*

• (1400)

**GOOD SAMARITAN AWARD**

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, I rise today to recognize my constituent, Rebecca Vincent, who is a recipient of the Richmond Hill Good Samaritan Award for her outstanding leadership in our community.

A Girl Guides of Canada leader with the 1st York South Rangers, Rebecca has tirelessly dedicated her time to helping young women learn new skills, build friendships and gain leadership qualities.

Additionally, Rebecca is also known for her website, Becky's Guiding Resource Centre, which provides camping tips and team-building exercises for Girl Guide and Boy Scout units across the country.

A teacher with the York Region District School Board, Rebecca is also a camp co-ordinator at Camp Woolsey and an outdoor educator at Scanlon Creek. She is also an avid traveller who spent a year in the great Australian outback.

As we celebrate the 100th anniversary of Girl Guides of Canada, I congratulate Rebecca on her involvement as a Guide and in being a role model to our young women in the community and indeed around the world.

*Statements by Members*

[Translation]

**ANNETTE HARNOIS-COUTU**

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I rise here today to congratulate Annette Harnois-Coutu, a Lanaudière woman from Saint-Thomas, in my riding of Joliette, who was named female farmer of the year at the Saturne gala on October 16, 2010. During her career, she operated a dairy and grain farm and a beef farm. She has also produced tobacco. This year her land is planted in potatoes, soy and oats.

She is a tireless worker and has devoted 30 years of her life to the farm union movement, including 15 years as president of the Fédération de l'Union des producteurs agricoles de Lanaudière. She has also served as president of the Lanaudière bio-food development board and the Ferme-école Desjardins, as well as vice-president of the Conférence des élus. Ms. Harnois-Coutu has recently stepped down as president and will be honoured next month.

On behalf of my Bloc Québécois colleagues, I warmly congratulate this remarkable woman.

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[English]

**RETIREMENT CONGRATULATIONS**

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I rise to speak about long-time Winnipeg city councillor and former deputy mayor, Lillian Thomas, who was first elected in 1989 and is now retiring after 21 years as the representative for Elmwood-East Kildonan.

In May of 1992 she began her fight for a *Hansard* record of council proceedings. Winnipeg is now one of the few municipalities in Canada with *Hansard*.

Lillian fought a hard battle for curbside recycling. Starting with her pilot project, it took years to implement the full scale recycling system we now recognize as an essential component of Winnipeg's infrastructure.

One of Lillian's last decisions was to allocate \$108,000 for improvements to Roxy Park on Henderson Highway to fulfill its function and potential for the neighbourhoods of Elmwood and East Kildonan.

As my city councillor for 21 years, I am proud to say that Lillian Thomas worked hard to keep her promises and successfully represented our community and our city. We are indebted to her dedication and perseverance.

We wish her and her husband, Len Dalman, a long and happy retirement.

\* \* \*

**CONTINENTAL CUP OF CURLING**

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, from January 13 to 16, 2011, the Continental Cup of Curling will be held at Servus Credit Union Place in the great city of St. Albert.

The Continental Cup will see Team North America face Team World. Both Continental Cup teams will consist of three men's and three women's rinks that will battle for Continental Cup supremacy. Each rink will compete in traditional head to head games, mixed doubles, singles and skins game formats, with points awarded for virtually every shot.

Representing Team North America on the men's side will be Olympic Gold Medallist Kevin Martin and defending Brier and World Men's Champion Kevin Koe, both residents of Edmonton. Our women's rinks will include Olympic Silver Medallist Cheryl Bernard and four-time Scotties Champion Jennifer Jones.

Since 2002, there have been six Continental Cups with the series currently tied at three cups apiece. St. Albert therefore will play host to the "Game 7" tiebreaker from January 13 to 16.

St. Albert will welcome curling fans from around the globe to this prestigious event featuring the greatest curlers in the world. I wish to extend an invitation to all hon. members to join us in St. Albert in January for the Continental Cup of Curling.

\* \* \*

[Translation]

**VETERANS AFFAIRS**

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, two weeks ago, I met a number of veterans who were involved in past and present wars, as well as health professionals who look after them.

What I heard made me sad and angry. These men and women who have been physically and mentally injured, who have served our country and who are considered heroes by this House, return to Canada and face new trauma, frustration and shame when they try to obtain assistance from the government that should protect them.

● (1405)

[English]

They say the new charter is a farce. The lump sum payment, a cost cutting measure, is insufficient to meet their needs. Their wounds, visible and invisible, are minimized by departmental staff. Everything is a fight.

The younger vets feel betrayed and those from World War II, in their eighties, give up in despair. All are afraid to speak up publicly, fearing reprisals.

What a bum way to treat our vets. The government should be ashamed.

\* \* \*

**INFRASTRUCTURE**

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, I rise to share the words of Dr. John Tibbits, president of Conestoga College: On time and on budget.

Business owners tell me one of their biggest barriers is the lack of sufficient talent to support their growth. Canada's economic action plan met this challenge and addressed the role of community colleges for the first time in Canada's history.

*Statements by Members*

Through this government's knowledge infrastructure program, Conestoga College received almost \$50 million to expand its capacity to offer diplomas, degrees and to train skilled tradespeople. Conestoga's capacity will grow by half, meeting the need for health professionals, roofers, new media designers and engineers.

It is worth noting that Conestoga College was the first college in Ontario to have its engineering degree program professionally certified.

All these projects are progressing on time and on budget. We are blessed to have partners like Conestoga College, and I am grateful to be part of the first government to recognize the vital role colleges play in building Canada's economy.

\* \* \*

[Translation]

**BERNARD BERGERON**

**Mr. Roger Pomerleau (Drummond, BQ):** Mr. Speaker, I would like to pay tribute to Bernard Bergeron who, on August 13, retired after practising law for 33 years, including 10 years as the director of the Drummond and Arthabaska legal aid office.

After a short stint in private practice, Mr. Bergeron went to work for the Sept-Îles legal aid office and then joined the Drummondville and Victoriaville teams. He built a solid reputation, especially in criminal law and youth justice.

As a result of his commitment to defending the rights of the disadvantaged, in 2008 he was awarded the Robert Sauvé award for his significant contribution in that area. Among other things, he has fought for the right of accused persons suffering from mental illness to be given adequate resources.

On behalf of my constituents, I thank you, Mr. Bergeron, for your work and dedication, and I wish you a happy and serene retirement.

\* \* \*

[English]

**MINING INDUSTRY**

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, the Liberal-NDP-Bloc coalition is attacking a key pillar of the Canadian economy. Bill C-300 would, among other things, subject Canadian mining companies to grievances lodged by foreign interests.

If the coalition has its way, many Canadian jobs will be lost in an industry that contributed \$40 billion to Canada's economy in 2008 and which employs 351,000 workers. During the thick of the global recession, overseas contracts kept the mining industry afloat. At a time when the economic recovery is still fragile, why does the coalition want to make life harder for Canadian companies?

Unlike the coalition parties that simply want to score political points and jeopardize Canadian jobs, our government will continue to fight hard for Canadian working families.

\* \* \*

**IRAN**

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, the recent sentencing of seven members of the Baha'i leadership in Iran to a

decade in prison is a looking glass into the plight of human rights in Iran in general and the targeting of Iran's largest religious minority in particular. While the world is necessarily focused on Iran's nuclear pursuits, the massive domestic repression in Iran should be an equally compelling concern as well as a call for action.

[Translation]

This persecution and the accusations against the leaders of the Bahá'í community constitute a classic case of the denial of justice in Iran.

[English]

This includes arbitrary arrests and incommunicado detention, false charges, coerced confessions, denial of the right to counsel and a show trial devoid of any due process before a politicized judiciary.

Most alarmingly, the last several years have been witness to a resurgence of more extreme forms of persecution and assaults targeting the Baha'i community and the repression has only escalated in the aftermath of the fraudulent Iranian elections of June 2009.

In sum, the sentencing of the Baha'i leadership and the attendant violations must serve as a wake-up call for the international community to sanction and hold Iran accountable for its ongoing violence and assault.

\* \* \*

● (1410)

[Translation]

**QUEBEC CITY ARMOURY**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, yesterday the minister responsible for the Quebec City region announced the next important phase in continuing the reconstruction of the armoury for the Voltigeurs de Québec, by launching a call for tenders in order to obtain architectural concepts and drawings for the new building. This call for tenders follows the work that has already begun to clean up and rehabilitate the existing structure, and to create a detailed program for optimum allocation of the armoury's interior space. This shows that we are on schedule to meet the deadlines established in June 2010 for the completion of the Quebec City Armoury's reconstruction.

Since April 2008, with the Bloc Québécois voting against all our actions to date, our Conservative government and the minister responsible for the Quebec City region have been doing all we can to ensure the success of this project. Once again this shows that the true defenders of the interests of Quebec are the Conservative members, and not the Bloc Québécois members.

*Statements by Members**[English]***WALK FOR JUSTICE**

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, this past weekend in my riding of Sudbury, I took part in the first annual “Walk for Justice”. The event was organized by Claudette Lalonde, a local resident whose 32-year-old son was murdered last November, and Christine Rivard, the director of the local VCARS chapter.

As a father myself, I understand that losing a child at any age is a parent's worst nightmare, especially in such tragic circumstances. Claudette and her family organized the walk to send a message: Canadian families want justice when one of their loved ones is taken from them.

We need to ensure that our communities and streets are safe, to ensure that other families do not have to deal with the pain and suffering that the Lalonde family has endured over the past year. One of the best ways to do this is to ensure that the Canadian justice system is a world leader in rehabilitation. Releasing offenders without adequate training and skills is a recipe for reoffending.

We cannot just be tough on crime. We need to be smart about crime. Only then can families like the Lalondes have real justice.

\* \* \*

**THE ECONOMY**

**Mr. Colin Carrie (Oshawa, CPC):** Mr. Speaker, it is clear that Canada's economic action plan is getting results for Canadians. While other countries around the world continue to lose jobs, Canada has created net new jobs. Both the IMF and the OECD project Canada to have the strongest growth in the G7 over 2010 and 2011. That is economic leadership.

The Canadian Chamber of Commerce says it best:

Canada's economy weathered the financial and economic crisis better than most industrialized countries...the economy recouped all the real output and net jobs lost during the recession. No other G8 country can make such a claim.

That is evidence that the economic action plan is working well for Canadians, creating net new jobs.

The people of Oshawa and all Canadians have definitely benefited from our government's action and commitment to protecting the Canadian economy.

\* \* \*

*[Translation]***TENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY**

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, this morning Canada won the dodo award in Nagoya at the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity.

This award, which is named after an extinct bird from Mauritius, highlights a government's lack of effort and failure to help discussions evolve toward an agreement. It was given to Canada because of its behaviour and its insistence on blocking any reference to the Declaration on the Rights of Indigenous Peoples.

The Convention on Biological Diversity was signed at the Earth Summit in Rio in 1992. The goals of the convention are conservation of biodiversity, sustainable use of biodiversity and “the fair and equitable sharing of the benefits arising from the use of genetic resources”.

This booby prize will be added to a long list of such prizes that Canada has won, including the fossil awards from the climate change conference in Copenhagen.

There is nothing to be proud of when it comes to this Conservative government's performance on the world stage.

\* \* \*

*[English]***MUNICIPAL ELECTIONS**

**Hon. Maria Minna (Beaches—East York, Lib.):** Mr. Speaker, yesterday in municipalities across Ontario voters spoke up by casting ballots to choose their next mayor, councillors and school board trustees.

Today I want to congratulate three former Liberal members of Parliament who have earned the confidence of their local communities and gone on to serve them in new capacities: Maurizio Bevilacqua, the newly elected mayor of Vaughan; Joe Fontana, the newly elected mayor of London, Ontario; and Ken Boshcoff, elected as councillor at large for the city of Thunder Bay.

We wish our former colleagues well as they go on to tackle new challenges. We look forward to working with them and everyone elected yesterday across Ontario as we seek to build a progressive, responsible and compassionate Canada together.

\* \* \*

**THE ECONOMY**

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, I am proud to say that Canada's economic action plan is delivering results for Canadians. Our investment in 23,000 projects has created over 420,000 jobs. Canadians are working.

Just last week in the community of Clearwater I chatted with a number of workers who had been impacted by the mill shutdown. They were so pleased to have employment with a community adjustment fund project.

Because of our government, Canada is leading the recovery with an economic and fiscal record that is stronger than other industrialized nations. While other countries struggle, Canada has been creating jobs.

The economic action plan is protecting the interests of Canadian families.

*Oral Questions***ORAL QUESTIONS**

● (1415)

*[Translation]***POTASH INDUSTRY**

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, Canadians are losing confidence in this government's economic management. Canadians want to retain control over our strategic natural resources, the corporate headquarters, and the jobs that go with them. When I asked the Prime Minister to put a stop to the sale of PotashCorp, he said that he did not care whether it was under American or Australian control.

When will the Prime Minister start caring, and when will he rise to defend Canada's interests, to say no to the PotashCorp deal?

*[English]*

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, Canadians can always count on the Prime Minister to stand up for Canada and to do what is best in our national interests.

Any foreign takeover of more than \$299 million in new investment has to be reviewed by the Minister of Industry and Canadians can count on the Minister of Industry to only approve a deal if it is a net benefit for Canada and Canadians.

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, what is the government waiting for? Four former leaders of the province of Saskatchewan are against the deal. The current Premier of Saskatchewan is against the deal. Even the wide-eyed radical, Peter Lougheed, is against the deal. The only people in favour of this deal, selling out Canadian interests, are on that bench in the House of Commons.

When will the government do the right thing and say no to the PotashCorp deal?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, we always welcome the advice and counsel of Peter Lougheed and we will on this case.

The government will follow its legislative responsibilities. It will take the time with officials and the minister to review what is an incredibly large transaction and then make an assessment as to whether it is in the best interests of Canada.

I would remind the Leader of the Opposition that in 13 long years and 11,000 applications, the Liberal Party never said no to a single takeover in Canada.

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, this is about the Conservative government taking responsibility. When it had the chance to do the right thing on Nortel, Stelco and Inco, it reacted with indifference and incompetence. That is why nobody has confidence in the government on the issue of foreign takeovers.

When will the government decide, act and say no to the PotashCorp deal?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the government's handling of the recent economic downturn through our economic action plan has

been acknowledged right around the world for doing a lot to create jobs. We have seen in the last 16 months the creation of some 420,000 net new jobs.

With respect to foreign investment in Canada, the Minister of Industry and his officials will take the time necessary and then will make a decision only if it is in the net best interest to Canada and Canadians.

\* \* \*

**NATIONAL DEFENCE**

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, today the Auditor General has revealed that the Conservatives caused an avalanche of problems, delays and cost overruns in acquiring 15 Chinook helicopters.

They essentially sole-sourced the deal without telling Public Works why. They identified the operational requirements only after announcing the procurement. They provided a cost estimate to Treasury Board that they knew was too low. As a result, the Auditor General is warning of a billion dollar operating budget crunch at DND.

The Conservatives broke every rule in the book. Why?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, I thank the Auditor General for the incredible work that she does. She has literally defined the role for our country.

I had the opportunity to meet with her last week to discuss some of the issues as they relate to the Department of National Defence. She has made constructive recommendations with regard to both the Department of National Defence and the Department of Public Works. She has given us some recommendations, all of which I can assure the hon. member and the House have been accepted. These recommendations will be acted upon.

For years, the Department of National Defence has been striving to streamline these complex acquisitions.

● (1420)

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Does that sound familiar, Mr. Speaker?

The parallels between the Chinook process and the stealth fighters are uncanny. In both cases, the Conservatives have not accounted for full life cycle costs. In both cases, they did not identify the operational requirements before announcing the purchase. They did not take the procurement to tender. The maintenance contracts will not be signed until after we have lost all bargaining power.

Here is the \$16 billion question. Why will the Conservatives not start an open and transparent fighter jet acquisition immediately?

**Hon. Peter MacKay (Minister of National Defence, CPC):** I know it is a short answer, Mr. Speaker, but it is because we already had one.

Again I thank the Auditor General for her recommendations. She gave us some very constructive plans to go forward with.

However, with respect to the acquisition of materiel and with respect to important equipment, be it helicopters, tanks, artillery or jet fighters, we will take no lessons from the members opposite. As Minister of National Defence, my greatest concern is providing the men and women of the Canadian Forces with the best equipment possible to ensure mission success to get them home safe to their families.

\* \* \*

[Translation]

#### PUBLIC WORKS AND GOVERNMENT SERVICES

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in an interview a few days ago, the Minister of Natural Resources said that if he had to do it over, he would not attend his party's fundraising cocktail party for the Bourassa riding, which was held at the Da Enrico restaurant.

Did the Minister of Natural Resources say this because the owner of the restaurant where the cocktail party was held, Ricardo Padulo, is an associate of Vito Rizzuto, an influential member of the mafia?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, all of us and senior Public Works officials were at committee this morning and they were open, transparent and they answered all questions on the substance of this matter. If the member opposite still has questions, the public servants in charge of this file are able to appear at committee again and provide a briefing to the member.

[Translation]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, Ricardo Padulo's father, Henri Padulo, is a longstanding member of the Conservative Party who has said that Vito Rizzuto's family is a Quebec family like any other. This same person has been photographed with the Prime Minister, and his daughter will be a Conservative candidate in the next election.

Will the Prime Minister admit that such ties are disturbing, to say the least?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, I am not quite sure what the member's question has to do with the substance of the matter.

As I indicated, senior Public Works officials were at committee this morning and they were open, transparent and answered all questions on the substance of the matter. If the member opposite still has questions, the officials are able to appear in front of committee again to answer those questions or I can provide the member with a briefing.

[Translation]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, Public Works officials now acknowledge that the criteria for the West Block contract were altered one week before the deadline, at the request of LM Sauvé, with the result that the company was awarded the contract. It seems that the \$140,000 paid

#### Oral Questions

by LM Sauvé to a Conservative lobbyist, Gilles Varin, opened the right Conservative doors.

When will the Conservatives admit that this whole thing reeks of patronage?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, as I indicated, and as the member knows, senior Public Works officials were at committee this morning and they were open, transparent and answered all questions on the substance of the matter. In fact, when asked if there was any indication of political involvement in the pre-qualification of this contract, a senior public servant, the assistant deputy minister said "no".

[Translation]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, a contractor admits that he won a \$9 million contract after the rules of the game were changed. A Conservative lobbyist is mixed up in the affair, and thousands of dollars are paid into Conservative Party coffers in the presence of the Minister of Public Works at a fundraising event in a restaurant belonging to a friend of the Rizzuto clan. And the minister sees nothing wrong with that. So what is the explanation for this litany of disturbing facts?

• (1425)

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, as I indicated, senior Public Works officials in charge of this file were at committee this morning. They were open, transparent and answered all questions on the substance of this matter. In fact, when they were asked if any lobbyist ever contacted the Public Works representative who was working on this project, the assistant deputy minister in charge of acquisitions said, "no one has ever heard of this individual".

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#### INFRASTRUCTURE

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, today's Auditor General report confirms what we have been saying all along, which is that the whole project started late, that projects were rejected simply because they did not meet the completely arbitrary deadline set down by the government and, worse than that, that they ran roughshod over the environmental assessment process. In fact, the Auditor General said that 93% of the projects never had the proper environmental assessment and that, in many cases, nobody even went down to the site to take a look at the impact on the environment.

Instead of this self-congratulation, could we find out whether the government is fixing these problems, yes or no?

*Oral Questions*

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the initial assessment made by the Auditor General speaks well to the good work done by the public servants at Infrastructure Canada. This was done at the political level. We thank her for her excellent work and we will obviously look to improve the process.

With respect to environmental assessments, could the member opposite identify a single project that was funded under the economic action plan with which he had any environmental concerns?

[Translation]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the situation is so bad that the Auditor General needs to write a separate report on precisely this point.

How can the government endorse a process that allows environmental assessments without any site visits? That is strange.

And as for the effectiveness of the program, there is no way to measure job creation.

Do the Conservatives realize that this lack of due diligence is undermining the government's credibility?

[English]

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I have great regard for the leader of the NDP. We funded some 23,000 infrastructure projects as part of the economic action plan right across Canada.

I would ask the leader of the NDP if there is one project that caused a concern with environmental assessments. Could he name one project with which he has a problem with the environmental record on the project? Out of 23,000 projects, I would ask him to name just one problem.

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

**The Speaker:** Order, please. The hon. member for Toronto—Danforth has the floor and we will want to hear his question.

\* \* \*

**POTASH INDUSTRY**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, some day the Conservatives will be back on this side and then they can ask questions.

Here we are with a government that is setting itself up to allow yet another takeover of our key strategic resources. Where was the so-called net benefit it always talks about when Vale was bringing in strikebreakers in Sudbury? Where was the net benefit when it closed the metallurgical operation in Timmins or when Stelco broke the rules in Hamilton?

When will the government stand up for Canada and say no to the sale of Potash Corporation?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I want to underline the fact that the government funded some 23,000 projects.

Two things are true. The NDP voted against the funding for each and every one of them and, despite coming to question period here today with environmental concerns, he cannot name one environmental problem in 23,000 projects.

That shows that this government worked with the provinces and the municipalities to get the job done.

\* \* \*

[Translation]

**AIR CANADA**

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, under current legislation, the 5,400 Air Canada maintenance jobs must be based in Canada, but now that Air Canada has only a minority interest, there are fears that those jobs will be moved to El Salvador. Over 5,000 permanent well-paying jobs would be lost under this government.

Will the government make sure the airline respects the intent of the law and protects Canadian jobs?

• (1430)

[English]

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, of course Air Canada will respect the law. We have the Air Canada Public Participation Act. We have made it clear that it must adhere to the law and it has made it clear that it will do so. That is the expectation and we will hold Air Canada to it.

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, the Conservatives hid behind Air Canada during the UAE fiasco and now they will not lift a finger to protect 5,400 permanent Air Canada maintenance jobs. Canada has already lost 162,000 permanent jobs over the last two years. We can hardly afford to lose 5,000 more.

Why will the government not assume its responsibilities and ensure that Air Canada respects the intent of the law and protects those Canadian jobs?

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the law is in place. The Air Canada Public Participation Act is in place. Air Canada must adhere to the law. I met with officials at Air Canada and they told me that they would absolutely adhere to the law. We will hold them to that and I expect parties on all sides of the House will be watching.

However, Air Canada will adhere to the law and we will make sure of it.

\* \* \*

[Translation]

**PUBLIC WORKS AND GOVERNMENT SERVICES**

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, what we heard in committee this morning is contradicted by the actions of the former public works minister. We know that Paul Sauvé paid a Conservative lobbyist \$140,000 to get this contract.



*Oral Questions*

If there was no political interference, how is it that the contractors who received millions of dollars in contracts held a fundraising cocktail party as a thank-you, with the former minister as the guest of honour?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, as the hon. member knows, senior Public Works officials were at committee this morning. They were open and transparent and answered all questions on the substance of this matter.

In fact, when asked was anyone from the minister's office involved in the process, the assistant deputy minister, Tom Ring, said, "No".

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, I notice the minister did not explain the "thank you fundraiser".

A government official said it is not normal for the RCMP to be investigating the \$9 million contract to LM Sauv . He did, however, acknowledge that changes were made to the contract that favoured Sauv .

How is it that the best companies in the world were shut out, companies such as EllisDon, PCL and Fuller, and the contract was awarded to a company that paid \$140,000 to a well-connected Conservative lobbyist?

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, as the member knows, he heard the officials at committee this morning. They were open, they were transparent and they answered all questions on the substance of the matter. When asked if there was any indication of political involvement in the Sauv  contract, the senior public servant assistant deputy minister said, "No".

\* \* \*

[Translation]

**OMAR KHADR**

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, the Conservative government completely discredited itself in the Omar Khadr case. It meekly accepted the American position and did nothing to help a Canadian national. It ignored its international commitments and decisions from the Federal Court, the Court of Appeal and the Supreme Court, which all said that Mr. Khadr's constitutional rights were being violated.

Does the government understand why it did not win a seat on the UN Security Council?

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, Mr. Khadr pleaded guilty to killing Christopher Speer, an American army medic. He also pleaded guilty to the charge of attempted murder. He admitted to providing material support to al-Qaeda. The trial is now at the sentencing stage, during which the court will hear from the victims, in particular the widow of the deceased.

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, by refusing to help a Canadian national, Canada contributed to the pressure put on Omar Khadr to get him to confess

by using force and threats. The government should be ashamed of allowing such a thing to happen.

Is the government aware that it failed to meet its international commitments concerning the protection of child soldiers?

• (1435)

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, as you know, the case is still before the courts. This question obviously concerns Mr. Khadr, his lawyers and the American justice system.

\* \* \*

**JUSTICE**

**Mr. Serge M nard (Marc-Aur le-Fortin, BQ):** Mr. Speaker, with Bill C-16, the government wants to eliminate most community sentences a judge can hand down. Before a judge can hand down a sentence to be served in the community, section 742.1 of the Criminal Code already stipulates that the judge has to be "satisfied that the service of the sentence in the community would not endanger the safety of the community".

In the opinion of the Minister of Justice, do Canadian judges comply with this requirement?

[English]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the government believes that those who commit very serious crimes should serve their sentence behind bars and not in the comfort of their homes. I do not see why that is always such a problem for the Bloc.

Yes, there is a bill before Parliament that would accomplish that end, and for once, we should be getting the support of the Bloc.

[Translation]

**Mr. Serge M nard (Marc-Aur le-Fortin, BQ):** Mr. Speaker, if judges are complying with the requirement to protect the safety of the community, then clearly they are not releasing serious and violent offenders, as the title of his bill would suggest.

Why eliminate this very useful power to help rehabilitate so many offenders? If certain judges are not complying with this requirement, why are those sentences not simply appealed?

[English]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I do not know what is so difficult about this concept. It is Parliament that makes the laws and the judges interpret that law. I do not see why that should be such a big problem with the Bloc.

\* \* \*

[Translation]

**OMAR KHADR**

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I also have a question for the government about Mr. Khadr.

When will the Government of Canada tell us clearly what its policy is regarding Mr. Khadr, a Canadian citizen and a child soldier?

*Oral Questions*

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, as I already said, the trial is now at the sentencing stage, during which the court will hear from the victims. Since this case is still before the courts, this question concerns Mr. Khadr, his lawyers and the American government.

[English]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, it would seem to me that the minister is once again playing a game of let us pretend. Let us pretend that Mr. Khadr is not a child soldier. Let us pretend that he is not a Canadian citizen, and let us pretend that there has not been a process of discussion, that there has not been a diplomatic exchange, and that there has not been a plea bargain.

This House is entitled to know. What is the policy of the Government of Canada?

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, what we know is that Omar Khadr is guilty of murdering U.S. army medic Christopher Speer. He pleaded guilty as well to attempted murder and he pleaded guilty to being in and supporting al-Qaeda.

The trial has now moved into the sentencing hearings where the court will hear from the victims of the crime, and that will include, of course, Corporal Speer's wife.

\* \* \*

**FOREIGN AFFAIRS**

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, in South America, there are 13 countries and Canada has embassies in 10 of them. There are 45 countries in Europe and we have embassies or high commissions in 35 of them. In Africa, where there are 250 million more people than in Europe, there are 54 countries and Canada has embassies in fewer than half of them, 23 to be exact.

Now we are hearing rumours that the Conservatives are thinking of closing more embassies in Africa. Would this be in reaction to not winning a seat on the UN Security Council?

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, Canada consistently evaluates its interests. We consistently look at where we can best serve Canadian interests abroad, and in some cases, new embassies are opened. New offices are opened; others are closed. We do this in full knowledge of defending Canada's best interests.

• (1440)

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, that sounds like a yes.

[Translation]

Mr. Speaker, of the 10 embassies with the most Canadian or local employees, none are African. Of the 10 Canadian embassies that hired the most employees in 2009, none are in Africa.

Some embassies, such as the one in Nairobi, which serves four countries in addition to Kenya, can take up to twice as long to process files.

Can the minister assure us that his government will not close any embassies or high commissions in Africa, whether in Cameroon or elsewhere?

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, as I just said, our government is an accountable government. As such, we are constantly looking at where we can best serve the interests of Canadians, our companies and our diplomacy abroad. Of course, there are times when we have to defend, advise and act in the best interests of Canadians and taxpayers. That is what we will do every time our interests are at stake.

\* \* \*

[English]

**THE ECONOMY**

**Mr. Rodney Weston (Saint John, CPC):** Mr. Speaker, Canada's economic action plan is lowering taxes, helping to create jobs and boosting our economic growth in communities right across Canada, and it is getting results. Over 22,500 projects are under way or completed in communities across Canada. Canada has created over 420,000 net new jobs since July 2009. Clearly Canada's economic action plan is working.

Could the Minister of Finance please tell the House just how effective Canada's economic action plan has been?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, Canada's economic action plan is getting results, more than 420,000 net new jobs since the end of the recession. Both the IMF and the OECD project Canada to have the strongest growth in the G7 over the course of this year and next, applauded by the OECD and applauded by the IMF.

Finally and very importantly, may I applaud the new mayor of the great city of Toronto, Rob Ford.

\* \* \*

**NATIONAL DEFENCE**

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, the Conservatives are five years late and massively over budget with the delivery of new helicopters.

The Conservatives said in 2006 that we urgently needed Chinooks for Afghanistan and sole-sourced the contract. Now we will not get the helicopters until 2013. The Auditor General said the sole-sourcing was unjustified and that National Defence did not follow its own rules.

If the Conservatives are breaking the rules on sole-sourcing, how can we trust them with the F-35s? If they did not know the full cost of the helicopters, how can they know the full cost of the new fighter jets?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, here is a news flash for the member. There are Chinooks flying in Afghanistan today with Canadian rondelles on their sides.

These new Chinooks, however, are going to allow Canada, for the long term, to continue with domestic and deployed operations. They are an important aircraft with respect to military personnel and equipment.

*Oral Questions*

We thank the Auditor General for her recommendations. We are working on and streamlining the processes for procurement. In fact, we have, as a result of our current efforts, on average been able to reduce the time to get a contract award from 107 months to 48 months.

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, the Conservatives issued a sole-source contract for Chinooks in 2006, only to change the specifications three years later.

This flip-flop increased the cost of the project by 70%. They dodged the required management structures that should have challenged decision making. They did not start planning for additional personnel until 2009. They have yet to come up with an estimated life-cycle cost of the helicopters.

How can the Conservatives expect Canadians to trust them with \$16 billion for the F-35s when they have made such a mess with the helicopter purchase?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, there is a big difference between the procurement of helicopters and the F-35s that he is talking about.

Let us go back to the essentials here. These are important helicopters that Canada will need and fly well into the future. These Chinook helicopters have demonstrated, time and time again, their capability in Afghanistan. They are literally saving lives.

This is why we make these investments. This is why I will never apologize as a member of this government for making the important investments.

The proof is on the tarmac and in the fields of Afghanistan today. We are seeing the importance of this type of procurement going forward on time to give the men and women in uniform the important equipment they need.

\* \* \*

•(1445)

[Translation]

**INFRASTRUCTURE**

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, “municipalities could lose all of their subsidies because it will be practically impossible to complete all work before the deadline”. This is what was said by Michel Larouche, the mayor of Roberval and a former organizer for the Minister of State for the Economic Development Agency of Canada for the Regions of Quebec.

Will the government finally listen to Quebec's municipalities and push back the March 31, 2011, deadline, as the former Conservative organizer and current mayor of Roberval is calling for?

[English]

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, as I have said many times in this House, we are going to be very fair and reasonable on the deadline. In fact, one of the earlier requests from Quebec dealt with the deadline that they put in place, the December 31 deadline. They have asked for that to be extended, and I have agreed. That should be extended.

We will continue to be fair and reasonable. That is why we are continuing to scope the projects, we are reinvesting excess funds from other projects, and in fact, I continue to sign off on Preco projects in the province of Quebec. I signed off on two or three again this week.

[Translation]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, the president of the FQM and mayor of Saint-Prime, the real Bernard Généreux, who is also in the riding of the Minister of State for the Economic Development Agency of Canada for the Regions of Quebec, gives the example of his municipality's one-stop service centre, which will definitely not be completed by March 31. He feels that the Conservatives' attitude is bordering on emotional abuse. Even the Auditor General stated that a number of infrastructure projects began late.

Will the Conservatives act on the FQM's unanimous resolution and extend the deadline for the infrastructure program?

[English]

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, it is kind of cruel to hear these questions day after day when I have talked to the Premier of Quebec. I have told him we will be fair and reasonable.

I have talked to Minister Hamad. I said we will be fair and reasonable; just give us the data and let us know what the status of these projects is. I am still waiting for some of those details so that we can work together, as we have been with the province of Quebec and the proponents.

Many of these proponents have been rescoping the size of their projects. Some of them are finished and they are using the excess funds for new projects. We are happy to work with them.

It is all part of being fair and reasonable. The deadline is still five months away.

\* \* \*

**G8 AND G20 SUMMITS**

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, unbelievably the Minister of Public Safety says he will not know what the final bill will be on the G8 and G20 summits until next spring, almost a year after the summits. Having blown \$1.3 billion is just the government's best guess for now.

The government decided to needlessly hold two summits back to back in two different cities and started signing blank cheques saying that money was no object.

No parent would just hand a child a blank cheque and worry about the bill later. Why are the Conservatives running their government that way?

*Oral Questions*

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, we do take good advice even from members opposite. We were told that, “When we are the Government of Canada, the next G8 summit will be held at Deerhurst Resort in Huntsville”.

You heard it from me, Mr. Speaker. “The G8 summit will be in this community when we form the next government”. Who said that? The Leader of the Opposition.

**Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.):** Mr. Speaker, both summits could have been held at one single secure location. The minister said that he was not competent to make that call.

Security officials confirmed that it was a political decision. The result? Fifty million dollars in pork in the industry minister's riding and a security nightmare in a downtown core.

Does the minister have any concerns about the safety of Canadian G20 delegates given that in two weeks the Koreans will spend just 2% of the \$1.3 billion that the Conservatives blew on security?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, perhaps I can answer that very clearly by quoting the integrated security unit head, Ward Elcock, who said, “I think Canada is one of the rare countries that has actually been transparent about the security costs”.

That is all we need to say here.

\* \* \*

● (1450)

**POTASH INDUSTRY**

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, the criticism just keeps piling up for the government's handling of potash.

Potash Corporation has even taken out a full page ad in the *National Post* to get the record straight about the Prime Minister's campaign to discredit the company. It says the government's claims simply do not stand up to scrutiny.

How can the government continue to side with foreign interests over a proud Canadian company and the people of Saskatchewan?

What will it take for the government to finally act in the interests of Canada?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, it is not right what the hon. member has said. We are following the process that is delineated in the Investment Canada Act. I am actively researching the situation, seeking more and more information to make the most capable and able decision I can possibly make on behalf of the people of Canada using the net benefit to Canada test.

The hon. member serves in a caucus that actively goes against the interests of Canada and Canadians by constantly voting against our budgets and constantly advocating higher taxes. Its members have no right to criticize.

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, it was the NDP and Tommy Douglas who set up Potash Corporation to start with. So we will take no lessons from the Conservatives.

The Premier of Saskatchewan has made his position clear, and the Saskatchewan NDP has written to all party leaders asking them to respect the wishes of the people of Saskatchewan and reject the takeover bid.

The former BHP chairman, as recently as 2009, warned that too much foreign control could turn Australia into a “branch office—just like Canada”. That is the respect they get from their business partners.

The only people who think this is a good idea are those in the Conservative government. When will the industry minister admit there is no net benefit and this is about the sellout of Saskatchewan?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, as I mentioned, we are in the middle of a process. We are researching the situation. We will be applying the net benefit to Canada test, which is found in the legislation.

I just ask the hon. member to look within his own heart. Why does he continue to be part of a caucus that continually votes against Canada's interests, votes against the budgets that are putting jobs and opportunity for Canadians first?

What he should be doing is spending his time researching his own position and then taking another position, which is to the net benefit of Canada.

\* \* \*

**THE ECONOMY**

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, from coast to coast to coast all across this beautiful land, our government has invested in roads, bridges, buildings, trails, recreation centres, water systems and countless other infrastructure projects. Wherever we look, the signs are there. Our economy has been strengthened; jobs have been created.

Our government has worked together with provincial, territorial and municipal partners to create these jobs and enhance and rebuild communities.

Can the Minister of Transport, Infrastructure and Communities please tell the House about the benefits of Canada's economic action plan?

**Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I would like to thank the member for Crowfoot for that excellent question.

Because of the government and the excellent work of the finance minister, Canada is leading the recovery with an economic and fiscal record that is stronger than any other industrialized nation.

We are responding to the global recession with an economic action plan that has created jobs and protects families.

Mr. Speaker, you might ask, what was the role of my seatmate in this as it was rolling? The role was this. Over 22,000 projects were rolled out, over 420,000 jobs were created and my seatmate, the former infrastructure minister and the current House leader, was in on every single one of them.

*Oral Questions***EMPLOYMENT**

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, economists have documented what they call the Miramichi economic hurricane. According to one report, between 2008 and 2009 there were 3,100 jobs lost, a 30% drop.

The federal government and the present member of Parliament for Miramichi are trying to aggravate Miramichi's economic hurricane by voting away 200-plus jobs at the gun registry.

Other than empty promises and feel good legislation, will the government start helping our communities in dire need instead of shamelessly spending money on its own political agenda?

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, I am proud to say, and I know the member knows well, that the Prime Minister was in Miramichi to announce the creation of a new pay administration centre that will create 550 new jobs in the community.

The modernization and consolidation will save taxpayers over \$79 million every year once it is fully implemented, and this transformation will replace a 40-year-old technology. It is good news for Miramichi.

\* \* \*

• (1455)

[Translation]

**CONTAMINATED WATER IN SHANNON**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, yesterday, in response to one of my questions, the Minister of National Defence said that he could not divulge documents in his possession about contaminated water in Shannon and on the Valcartier military base because they are part of the federal government's defence.

Can he explain why these documents, which include the reports on the analysis of the Valcartier base water supply system dating back to 1960, have not been introduced as part of the government's defence? What is he hiding?

[English]

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, I will tell you what I will not do. I will not argue the case that is before the courts here on the floor of the House of Commons.

I do remind the member opposite that successive federal governments have worked with the community in Shannon. They have worked with the provincial government. There has been, to recent counts, over \$60 million invested in addressing the issue.

We will continue to work closely with all the stakeholders to see that these issues are addressed, but the matter is before the courts and we have to wait for the courts to deliberate.

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**PENSIONS**

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, last week Ontario's finance minister endorsed New Democrats' call for an increase in the CPP. Jack Mintz, the research

director of the government's own pension reform task force, has embraced our plan.

Pension expert, Professor Jonathan Kesselman, who compared key pension proposals, concluded that the expanded mandatory CPP was the way to go.

There is no doubt the New Democrat plan is the practical leadership that Canadians need. Baby steps will not do. Will the minister follow our lead to ensure that Canadians have the pensions they deserve?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, we are committed to ensuring of course that Canadians have the best retirement income system possible.

We have talked and listened to Canadians carefully. Pension jurisdiction in Canada is shared by the federal government with the provinces. In fact, the federal jurisdiction is only about 10% of pension plans in the country.

We continue to work together and we are working toward the next meeting of ministers of finance in December.

\* \* \*

[Translation]

**ECONOMIC ACTION PLAN**

**Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** Mr. Speaker, our government continues to implement an economic action plan that is delivering results and asserting Canada's leadership on the world stage.

Could the excellent Minister for Economic Development for the Regions of Quebec tell us how the growth anticipated by the Conservative government could meet Canadians' expectations?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, the member is a good man.

Our country's economic and fiscal leadership is indisputable. This Conservative government's economic action plan is enabling Canadians and Quebecers to take advantage of an enviable situation, with lower taxes and major investments in infrastructure and skills training. Quebecers are thrilled about this economic action plan. Employment has continued to increase, to the tune of 15,000 new jobs in September 2010, for a total of 122,000 new jobs, out of the 420,000 across the country.

While the armchair critics in the Bloc do nothing but vote against us and criticize us, we are delivering the goods for Quebecers.

*Speaker's Ruling*

[English]

**FISHERIES AND OCEANS**

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, at Escuminac wharf in Miramichi the federal assistance program for lobster fishers is considered a joke. There are more than 200 lobster fishers there and only two would be eligible under the terms of the program.

Why do the Prime Minister, the Minister of Fisheries and Oceans and the MP for Miramichi care so little for families like the Willistons of Hardwicke, who work very hard year-round as fishers? They make nets, they fix traps, they mend nets, they dry nets and they are still suffering from one of the worst years in the lobster fishery in this century.

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, we have been very proactive in supporting the lobster industry to invest in its own sustainability. Long-term sustainability is a focus of our government and we are well on our way to achieving that goal.

We have invested more than \$70 million in this very important industry, and that is \$70 million more than the Liberal government ever did.

\* \* \*

**THE ENVIRONMENT**

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, news out today is that ducks have yet again landed in a toxic pond in the tar sands. Weak regulations, out of control development and too much of the foxes watching the hen house have led to this disaster. The province is investigating, but under federal law so must the federal government.

Does the government plan to hide behind its provincial cousins again, or will it launch a full investigation of this disaster and report back to this House immediately?

● (1500)

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, our government takes this issue very seriously. The oil sands must be developed in the most environmentally responsible way. Environment Canada enforcement officials will investigate, and where appropriate, charges may be laid.

\* \* \*

[Translation]

**PUBLIC SAFETY**

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, hundreds of people were denied their rights and freedoms during the G20 summit this summer. The Inter-American Commission on Human Rights is so concerned that it is demanding an explanation from Canada. Yesterday, in committee, the Minister of Public Safety washed his hands of the whole thing.

Will the Prime Minister call an independent public inquiry to shed light on the abusive arrests that were made during this summit, and will he apologize to the people whose rights were violated?

[English]

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, our front-line police officers were able to protect the safety of Canadians, delegates and visitors to the city of Toronto and the town of Huntsville, working in what were exceptionally difficult circumstances.

As I have always said, specific bodies exist to handle complaints regarding police conduct. It is appropriate for individuals to direct their complaints to those bodies.

\* \* \*

**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Rosy Bindi, Vice-President of the Chamber of Deputies of the Italian Republic.

**Some hon. members:** Hear, hear!

\* \* \*

[Translation]

**POINTS OF ORDER**

## BILL C-300—SPEAKER'S RULING

**The Speaker:** I am now prepared to rule on the point of order raised on Monday, September 20, 2010, by the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons concerning the need for a royal recommendation to accompany Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries, standing in the name of the hon. member for Scarborough—Guildwood.

[English]

I would like to thank the Parliamentary Secretary to the Leader of the Government in the House of Commons for having drawn this matter to the attention of the House as well as the hon. members for Scarborough—Guildwood and Mississauga South and the Parliamentary Secretary to the Minister of International Cooperation for their comments.

In raising this issue, the Parliamentary Secretary to the Leader of the Government in the House of Commons argued that Bill C-300 established a new, quasi-judicial function regarding Canadian companies engaged in mining, oil or gas activities in developing countries to be exercised by the ministers of foreign affairs and international trade. He also contended that the framework required to implement the provisions of the bill was not foreseen by the Department of Foreign Affairs and International Trade Act and that considerable expense would be required to put it in place. In supporting this point, the Parliamentary Secretary to the Minister of International Cooperation noted that during 2009 the World Bank had expended \$3.3 million conducting what he described as “parallel investigations” to those he believed would be required by Bill C-300.

*Speaker's Ruling*

[Translation]

The hon. Parliamentary Secretary to the Leader of the Government in the House of Commons noted that in other cases, the Speaker had found that bills mandating an expansion of the functions of an existing department or agency required a royal recommendation. He referred in that regard to the ruling concerning Bill C-280, An Act to amend the Employment Insurance Act (Employment Insurance Account and rate setting) *Debates*, June 13, 2005, pages 6990-1, as well as to the ruling concerning Bill C-474, National Sustainable Development Act, *Debates*, February 11, 2008, but I will not cite the pages.

• (1505)

[English]

It is in that context that the Parliamentary Secretary to the Leader of the Government in the House of Commons maintained that the terms and conditions of the Department of Foreign Affairs and International Trade Act were therefore being altered by Bill C-300 and that funds would need to be appropriated to carry out the new function imposed by the bill. He concluded that for these reasons, a royal recommendation would be required for Bill C-300.

In his remarks, the hon. member for Scarborough—Guildwood asserted that the bill had been carefully drafted with a view to avoiding any requirement for a royal recommendation. He acknowledged that some reorganization of existing resources would be necessary, but that new resources would not be required.

[Translation]

The Chair takes very seriously the need to respect the requirements for a recommendation of the Crown to accompany any legislation requiring new expenditures. The Chair has therefore examined with care the details of Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries, as well as the precedents enumerated by the parliamentary secretary.

[English]

The case of Bill C-280, cited by the Parliamentary Secretary to the Leader of the Government in the House of Commons, involved the creation of a new employment insurance account outside the consolidated revenue fund. Bill C-474, to which he also referred, assigned new functions to the Commissioner of the Environment and Sustainable Development, including the assessing of provincial performance in the meeting of sustainable development goals, which was clearly a significant expansion of the existing mandate.

The Parliamentary Secretary to the Leader of the Government in the House of Commons was correct in saying that both Bill C-280 and Bill C-474 required a royal recommendation. In the first instance, the bill created an employment insurance account outside the consolidated revenue fund as well as several other proposals. These included lowering the threshold for becoming a major attachment claimant; setting benefits payable to 55% of the average weekly insurable earnings during the highest paid 12 weeks of the 12 month period preceding the interruption of earnings; reducing the qualifying period before receiving benefits; and removing the distinctions made in the qualifying period on the basis of the regional unemployment rate. From a mere listing of the measures in

the bill, one must clearly conclude that the bill had the effect of authorizing increased expenditures from the consolidated revenue fund in a manner and for purposes not currently authorized.

[Translation]

As for Bill C-474, it sought among other things, to modify the mandate of a new independent Commissioner of the Environment and Sustainable Development. Specifically, it sought to develop “a national sustainability monitoring system to assess...the state of the Canadian environment, nationally and by province” as well as “...the national and provincial performance in meeting each sustainable development goal...” listed in the bill. There is no doubt that extending the commissioner’s mandate into the provincial arena was clearly a significant expansion of the existing mandate.

• (1510)

[English]

Thus, we are in agreement on the issues raised by these two bills, however, it seems to me that the situation presented by Bill C-300, the case now before the House, is not analogous to the circumstances just described.

Bill C-300 does require the Ministers of Foreign Affairs and International Trade to examine bona fide complaints concerning possible contraventions of the guidelines to be established under clause 5, but the bill is silent with respect to the manner in which such examinations are to be conducted. The respective ministers appear to have entire discretion in this regard. Furthermore, the Chair is of the view that the examination of such complaints is not a departure from or expansion of the current ministerial mandate under the Department of Foreign Affairs and International Trade Act to carry out such examinations. Bill C-300 may put forth more stringent requirements, but it does not expand the mandate per se. Hence, a parallel cannot be made to Bill C-474.

In addition, Bill C-300 does not actually call for the establishment of the quasi-judicial process referred to in testimony by departmental officials. Nor does it require that investigations be carried out in other jurisdictions. It may be that a reorganization of resources or even additional funds would be required, however, it appears these would be operational in nature. In short, there is little ground for comparison of Bill C-300 with Bill C-280 and Bill C-474.

Consequently, from a strictly procedural point of view, the Chair cannot find that Bill C-300 requires the expenditure of public funds for a new and distinct purpose. I therefore rule that there is no requirement that the bill be accompanied by a royal recommendation. The House may continue to consider it in accordance with the rules governing private members’ business.

[Translation]

I thank hon. members for their attention.

*Government Orders***GOVERNMENT ORDERS***[English]***STRENGTHENING AVIATION SECURITY ACT**

The House resumed consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the second time and referred to a committee.

**The Speaker:** When this matter was last before the House, the hon. member for Burnaby—New Westminster had the floor and he had concluded his remarks. There are 10 minutes remaining for questions and comments consequent upon the hon. member's speech.

The hon. member for Western Arctic.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, my colleague's excellent speech really touched on the main issue.

The main issue, and our contention with the bill, is the failure of the government to provide protection for privacy issues within the potential agreements that could be signed with a number of countries around the world. The agreements would be signed in secret without any accompanying understanding of how our privacy rights are protected.

Could my colleague perhaps elaborate further on this situation and how we could alleviate it and what kinds of changes could have been instituted to the legislation to make it more palatable?

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I want to praise the member for Western Arctic for the work he does on the transport committee and in the House. He has been first and foremost in fighting for transportation safety in this Parliament. In the previous Parliament, he fought to stop the government's irresponsible plans around self-managed safety systems, or basically self-serve safety, the famous SMS systems, in the airline industry. He managed to stop the government cold from doing to the airline industry what it irresponsibly did to the railway industry. We certainly saw an increase in accidents and derailments in the railway industry.

His work there and now his work on Bill C-42 shows that he has the concerns of Canadian families from coast to coast to coast, since he represents the Arctic in mind. It is because of his incredible efforts in the House that more and more Canadians are becoming aware of what the government is intending to do with Bill C-42. It is ripping up personal information protection and allowing personal confidential information, in an unprotected way, to be given to other countries, like the Dominican Republic, which is an authoritarian government, or Panama, which ranks among the world's worst in terms of dirty money laundering and tax havens.

What the government could have done, to answer the member for Western Arctic's question, is put in place the principles around confidentiality and protection of private information, which include, most notable among the six principles that the European Commission has adopted, the restriction on aberrant transfers, that we can only transfer information to third parties or third countries when it is protected.

In this case, as we know, and as the member for Western Arctic has very eloquently raised in the House, the government did not do it. It did not get the job done. It did not even try to get the job done.

It did not even try to apply any of those principles of protection of confidential and private information, not even one. That is why the bill is so bad. It did not even make the attempt to provide some protection of Canadians personal private information, including credit cards. It is clear that the government did not understand what it was doing, that it did not understand the implications and that now the current government really has to withdraw this bad bill.

• (1515)

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the member talked about ripping up things. What the member is and has been ripping up are the facts. I would like to reiterate the facts for him. First, Canada asked for and received an exemption for domestic Canadian flights flying through U.S. air space. Second, the legislation only facilitates the sharing of information for flights to the United States or over U.S. sovereign air space to a third country.

If passed, any information that air carriers will be required to share with the United States are full name, date of birth and gender. This would amount to less information than is required to be included in a Canadian passport to cross the border. I do not understand what the member is trying to put forward, but clearly, if the information is confirmed not to be linked with terrorism, it will be erased after seven days.

I do not know what the member is going on about and the fearmongering that he is trying to cause, but clearly the information given to the United States is less information than that which is already given by individuals in a passport. What is the member on about now?

Would he please tell Canadians the facts because that is not what he has been talking about so far.

**Mr. Peter Julian:** Mr. Speaker, I like the member for Fort McMurray—Athabasca, even though he takes licence with the facts. We saw this with SMS and we heard the same promises. The government said that the bill was bad but it would fix it later in the regulations. That is apparently what he is doing now. He is saying that the bill is egregiously bad. In fact, any Canadian can go on the House of Commons website, look up Bill C-42, and find out what the government has concocted. It is a matter of real concern that the government is making some promises to try to fix what it did not do in the bill.

He raised the issue of domestic flights. This one paragraph bill rips up the Personal Information Protection and Electronic Documents Act. It says that "an operator of an aircraft departing from Canada that is due to land in a foreign state or fly over a foreign state and land outside Canada" is subject to providing Canadians' private, personal information.

He has raised this red herring that flying from Vancouver to Winnipeg is exempt, and he is trying to say that this is some kind of victory. This is a bit disingenuous, just a bit. The Air Transport Association of Canada has clearly said that "the submission of Canadian passengers' details by Canadian airlines violates Canada's laws on the protection of personal information and electronic documents, as well as laws on aeronautics".



*Government Orders*

We rest our case. The Air Transport Association of Canada agrees with us, not with him, and I think most Canadians agree with us, not with him.

• (1520)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, it is true that when we are flying over a country but not landing there, it has to be on a list requesting that information. The United States is on the list, but it has provided an exemption. My understanding is that it is the only country on the list.

Can the U.S. just withdraw that exemption? What stops it from withdrawing it?

What is to stop any other country from asking to be on that list? Would we have to provide other countries with information just for flying over them?

**Mr. Peter Julian:** Mr. Speaker, the hon. member has raised an appropriate question.

It is not just that this personal information can now go to the United States, Mexico, or Panama, the drug haven that the Conservatives seem to love. We had a Panama trade bill earlier. Now we have disclosure of personal information going through to Panama. According to the U.S. Internal Revenue Service, Panama is tied for worst in the world in the laundering of drug money. The Hells Angels just love this Conservative initiative to build these relationships with Panama, but most Canadians should be concerned.

The member for Yukon is absolutely right to ask how this might be expanded. This is unclear, but we know the Conservatives' obsession with laundering drug money. This is something they will have to explain when they speak to the bill. They have not said a word about it in the House. I think they are ashamed, either that or the Prime Minister's Office has not sent the line that they are all supposed to read. But Conservatives will have to explain what is going on over there, why they are doing this, why they are obsessed with giving Canadians' personal information up to third countries, and why they want to give this information to the Dominican Republic and Panama.

It is all irresponsible. It is all inappropriate. That is why we are saying, in this corner of the House, that they should withdraw this bad bill. There is simply no justification for what the government is doing.

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, I am pleased to rise on Bill C-42 and support my colleagues in the House of Commons.

The member for Burnaby—New Westminster is absolutely correct. With regard to safety management systems and other deregulatory matters, the government has put passengers at risk. It is attempting to say that it is doing this for security reasons, but that is certainly not true.

I want to start with the privacy aspects of this bill. The Patriot Act in the United States gives all kinds of liberties to the U.S. departments and agencies. However, one of the things that we need to put on the record is that the passenger name record is part of this agreement. That is what is required for these secret treaties that take place.

The PNR is a file created by the travel agent when someone books a ticket. It is a system created by the travel industry to facilitate travel, so that all bookings and other information are passed along as people move from one travel company to another. The PNR can contain information on credit cards, other passengers on the same flight, locations travelled to, phone numbers, medical conditions, and even food eaten on the plane.

That is what the PNR can provide, and the information can now be available to several countries that are now going to have access to travellers' personal information, with no stopgap.

One of the things I want to touch on is the U.S. Patriot Act. I think it is an important model to look at, because right now Canadian information can be accessed in the United States. The requirement of the Patriot Act is that the company cannot tell people when they are accessing that information. That information can be granted to the American law enforcement agencies.

There is no agreement or consent on how that information is used or scrubbed or where it goes. That is the reality.

It is interesting that the previous administration, the Liberals, outsourced the census data collection agency. We fought to keep it in-house, because Lockheed Martin had its data collection system in the United States.

In the end, all the Canadian census information, all the private information that we had under the control of the Privacy Commissioner, became null and void. Once it went to the United States to be assembled, there was no way it could be recovered. We could not know when, how, or where that information was going, because by law this cannot be disclosed.

CIBC, which has its data management evaluated in the United States, is vulnerable to having its information accessed through the Patriot Act. Once again, it is against the law for CIBC to notify customers that this information has been accessed.

That is one of the things that many civil liberty organizations have been fighting for years, and this is going to be happening under Bill C-42. All the information that is out there is going to be in their systems, and we will not know when or how it is used under the Patriot Act.

The European data collection systems operate under certain principles. At least they have some backstops for privacy.

It is interesting to talk about airline security, what is happening out there, and how this is going to help. I want to bring up a local case of airline security. It showed that some of the common sense solutions are not working. Even though the U.S. is a big proponent of infringement on Canadian civil liberties, they have serious problems in their own maintenance of airline security. None was more compelling than that of Umar Farouk Abdulmutallab, the attempted bomber who landed in Detroit, Michigan, near my area, 40 kilometres away from the border.

*Government Orders*

It is important to note that he flew from Amsterdam to Detroit, Michigan. He had started in the Middle East. This was the famous underwear bomber who had to be tackled and subdued. He flew across part of Canada, too. He showed up at the airport and got a one-way ticket to Detroit, with no baggage and no winter clothing in the middle of winter.

• (1525)

American officials were tipped off a week earlier about the possibility and did nothing about it.

We heard nothing but deafening silence from the government about this security breach. It put Canadians at risk because the plane travelled across parts of Quebec and Ontario and back into Detroit. All these extra elements would not have made a difference, because common sense was not applied in this case. Instead of raising this with the U.S., we did nothing. That was unfortunate.

These are opportunities to point out that we in Canada do some good things here, not to chastise the United States. This was an opportunity to let the Americans know that we protect privacy.

During the U.S. election several comments were made about the 9/11 attackers coming from Canada. Comments were made about Canada being weak on terrorism. The reality is that the terrorists had U.S. documents. They did not come from Canada. In fact, Canada played a significant role in 9/11 by allowing stranded airplanes to land. Many Canadian officials, volunteers, and members of fire departments went to Ground Zero later on. The U.S. continues to claim that we are weak on security. And we still do not have a full contestation. It is appalling at best.

I want to talk a bit about the European Commission's Data Protection Working Party. The commission set up six principles to guide it through the collection and transmission of personal information.

First, the purpose limitation principle states that private information should be processed for a specific purpose and subsequently used or further communicated only insofar as this is not incompatible with the purpose of the transfer. It is very specific in scope.

Second, the information quality and proportionality principle states that no excessive information should be provided, especially depending on flight information.

Third, the transparency principle requires that individuals be provided with information as to the purpose of the processing and the identity of those in control of the information in the third country and other information insofar as this is necessary to ensure fairness.

That is the one sticking point. It is a problem when dealing with the United States, our number-one trading partner.

Under the Patriot Act, this information can be accessed by government departments such as the FBI and the CIA. A judge could issue a release of information. We will not know how or when the information is used or where it goes. That is problematic, especially if one is not travelling to the United States. It is unfortunate. It is a situation that defies our historic aviation principles, and it is one that

will expose people to data collection and privacy issues. Once again, we have no recourse.

Fourth, the right to access, rectification, and opposition principle states that the subject of the information should have the right to obtain a copy of all the information that is processed relating to him or her and the right to rectify the inaccurate information. In some situations the person should be able to object to the processing of the data relating to him or her.

Fifth, the person should be made aware of what the exposure will be and be able to choose whether or not to travel. They should know what they will be getting into if they are travelling. People can make a choice. People have a chance to have their say and make another decision if too much information is going to be exposed. Another means of transportation can be chosen, but there is a choice in the matter.

Sixth, there is a restriction on onward transfer principle. Transfers of personal information to further countries should be permitted only where the second country is also subject to the same rules as the country originally receiving the information.

• (1530)

There we have it. Once again, the Patriot Act is going to create problems for that, because it does not subscribe to any of those types of elements.

It is really important to talk about some of the civil liberties. Here is what some of the experts are saying.

Roch Tassé of the International Civil Liberties Monitoring Group said, "The Americans will have a veto on every passenger that gets on a plane in Canada even if they are not going to set foot on American soil". Mr. Tassé added, "What will happen if Canada invites the ambassador from a country such as Cuba?"

These are situations where we have lost our sovereignty.

Living in a border town, I can say that our American friends and cousins are our greatest allies and we have so many people with so many strengths who travel back and forth. Literally thousands of nurses go from Windsor to Detroit every single day.

Generally speaking, the relations are good, but I have seen applications of an extreme nature take place. It is ironic. We have in Windsor doctors who the province and the federal government will not let practise in Canada with the credential barriers that they have. They are actually practising in Detroit. They go over there every day and they save American lives. At the border, though, they are treated as a security threat. That is the reality.

The ironic thing is that, even right now, sometimes in Windsor when we cannot get a specialist or we cannot get an appointment and there is nothing in London, for example, we will actually then send a Canadian over to an American hospital, who can get treated by a doctor who is not qualified supposedly in Canada and we will pay a premium for it. It is the most absurd thing that is happening.

We have seen these situations take place where, individually, people get singled out.

*Government Orders*

We had a number of high profile cases in the U.S. where people were put on the no-fly list, even including American politicians. It is not out of the realm that it could happen. So I think Mr. Tassé's comments are very good.

The Air Transport Association of Canada also made its grievances known. It believes the submission of Canadian passenger details by Canadian airlines violates Canada's laws on the protection of personal information and electronic documents, as well as laws on aeronautics. That was its opinion of this bill.

I would agree. When we look at the bill and what it does, it circumvents some of the privacy elements that we have built into the entire system.

This comes ironically at a time when the government is killing the long form mandatory census and bringing in a new national household survey. It was interesting, because when the government first came out with this, the minister argued that this would violate the privacy of Canadians and the government wanted to protect their privacy. The long form mandatory census is against that. It violates an individual's personal privacy.

I called the Privacy Commissioner's office and talked to the deputy and asked, how many cases are there of privacy having been breached or how many complaints do we get on the census? There had been a handful over the last 20 years. It turned out, when I asked whether the census goes through a privacy system, they said yes. They actually work with the census group and with the Privacy Commissioner. It goes through an audit there and also at Treasury Board to ensure that no one's personal privacy is affected. They described their working relationship as excellent. There was no weight at all to the minister claiming that the census was affecting personal privacy. There was no evidence provided to the Privacy Commission. The commission was actively engaged, and in fact, it actually changed some of the questions or some of the techniques of the census so that privacy is protected. It did that a number of different times.

I am going to wrap up by thanking our transport critic for working on the bill. It is an important issue for ourselves because we believe privacy and civil liberties have been trampled on at different times under the guise of security.

But in the case I mentioned before, which was in Detroit, there are obviously other techniques that can be employed. Simply do not let people on with a one-way ticket, no luggage and no screening of any significance, and even bomb material on the plane.

● (1535)

In these types of situations, if we are going to be looking at exposing Canadians' personal privacy through secret deals, then there needs to be backstopped, clear paths of recourse developed to ensure that Canadians are going to be protected.

The government of the day never did anything about challenging the Patriot Act, getting some clauses or some elements in there, in the U.S., to actually deal with the Canadian situation to make sure, at least, that if there was going to be an exposure, there would be some protection for them, some accountability.

That never happened. So at the end of the day we are left with this type of mess where Canadians' privacy is certainly going to be threatened and put at risk. I think it is unfortunate, because a lot of people probably will not even know this happens, the exposure of their personal privacy. In this day and age, that is something people still want to keep maintained.

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I appreciate the opportunity to rise and ask the hon. member a question.

I think the hon. member misses that this is actually about safety, security, and keeping people safe. When the hon. member's constituents go from Windsor to the United States, when they even try to walk, drive, or fly across the border into the United States, or maybe to go to Mexico or Central America, they need a passport. They are required to present that passport to the United States official at the border, who in turn can deny them the right of entry into that sovereign space or in fact allow them.

What I do not get is that the legislation we are proposing is actually in the same manner. It is for people who are actually going into the United States' sovereign airspace, into another country. They are required to give their name, gender, and birthdate, which is actually less than what is required with a passport. That is what I do not understand.

This government actually already received an exemption. I would think the hon. member and the NDP would stand up and congratulate the Conservative government for standing up for the people of Canada, for receiving a personal exemption for flights that are going into U.S. sovereign space but are actually just going to take off in Canada and again land in Canada. We received an exemption for that.

Why is the hon. member not up here today congratulating this government for a great initiative, finding an exemption for Canadian citizens and making sure that we are working with our partners in the United States to keep Canadians and all the people we possibly can safe from terrorism? Why is the hon. member not up there today congratulating us for this great effort?

● (1540)

**Mr. Brian Masse:** Mr. Speaker, I do not reward people for poor efforts. This is unbelievable.

I talked about the passenger name record, which is going to be part of this deal. Regulations in this bill can alter the data accumulation.

At least a person has a choice. If I go to Detroit right now, across from my riding, I know I am going to give up my passport. That is okay. It is the official document that the U.S. requires, but they do not ask me for my credit card number and other information such as that. That is actually in the PNR. We know that. That is the reality.

The same thing could happen where there are flights from Windsor that go to Cuba, so they have to pass briefly through American airspace. They are now going to be up in the air in terms of the provision of that information.

*Government Orders*

We all know the political situation between the United States and Cuba and how volatile it is, but here we have something that is working. It is actually creating jobs, providing access to a historical friend of Canada in terms of working together more co-operatively than other countries have, and is now going to be subject to the PNR for that.

If there had been an attempt to get at least what Europe has in place, a structure to actually have some backstops to this, maybe we could start to look at that. Instead, no, they just said, "Here we go. We are okay with this"; they did not even go any further from that.

For that matter, we are simply not going to reward a poor effort or no effort at all.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I wonder whether my colleague from Windsor West has looked at all of the efforts that the government says it has made to provide the Americans with a sense that the Canadian public travelling across American airspace is actually a secure and safe one.

Has he even looked at the \$3.2 billion that the Government of Canada is taxing passengers in order to invest in new technologies to ensure that they are individuals who have no malice of intent? On that \$3.2 billion tax by the Government of Canada to buy products that are supposed to convince Americans that Canadians are actually good people, is he not impressed with the fact that the Canadian government would have taxed Canadians to that extent, given that message to the Americans, and then walked away from the negotiating table because the Americans were not impressed?

Does he not think perhaps the Conservatives should tax us even more and squander even more money to provide a message to the world that Canadians are people of no malice of intent, and when they are passing over airspace, they have the security and the approval of their own government and they have the respect of their own government, even if the Government of Canada today has no respect from Homeland Security in the United States? Has he looked at that at all?

**Mr. Brian Masse:** Yes, I have looked at it, Mr. Speaker, because when the Liberals brought this tax in, we raised concerns about the volume of the tax, the amount of it, the accountability, where it was to go, and there is a lengthy history of a series of problems around this initiative.

What is interesting, though, is that when we add all these layers that we have on our side, we have not gotten any respect back for it. At the same time, we have a government here that refuses to stand up for Canadians when it is necessary, so that at least at some point in time we can push back when our own security is put at risk, false statements are made, or new things are brought in.

At the border, we have seen all kinds of stuff. At the land border crossings, there have been fees and charges, a whole series of things that never existed before. They are just extra taxes on Canadian businesses that are stifling in terms of some processes at the border.

The reason I brought up Abdulmutallab's case, the Christmas Day terrorist attack, is because even the Department of Homeland Security's Janet Napolitano admitted that their system did not work. Why did the system not work? This fancy stuff did not work because they did not act on the actual call that came in that said he was

unstable. There are indications in the reports that he looked dishevelled at the airport and another person bought his ticket. He got on with a one-way ticket, with no luggage and no winter gear, to go to Detroit, on the other side of the globe.

We do not challenge these things, but it went across Canadian airspace for quite a distance. What did we do? We did nothing. When we do nothing, we get no respect. When we get no respect, at the same time, we end up having to agree to these things. We have to get some respect back in this matter.

• (1545)

**Hon. Joseph Volpe:** Mr. Speaker, I rise on a point of order. The hon. member for Windsor West would like the record changed. When he said he did look at the bill when it was first brought in by the Liberals, I think he meant the Conservatives. I am sure he will want to correct the record.

**Mr. Brian Masse:** Mr. Speaker, I stand corrected.

**The Deputy Speaker:** I am sure the House appreciates that clarification.

Questions and comments, the hon. member for Algoma—Manitoulin—Kapuskaing.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskaing, NDP):** Mr. Speaker, I listened intently to my colleague's comments with respect to the bill and I share his concerns.

We have a government across the way that tries to make itself look accountable, but it is not. We just have to look at what it has done with respect to information pertaining to veterans.

All of a sudden, we see a bill that wants to share information with other people, other countries. We know what happened with the no-fly list, how some people actually end up on that no-fly list by, basically, misinformation. We know what happened with the do not call list with respect to the system that was put in place, and now people are actually getting more calls, at times, than before the do not call list.

We understand about the PNR data in the bill. I want to ask my colleague whether there was any indication of how there would be some prevention of this information being misused.

**Mr. Brian Masse:** Mr. Speaker, this is the whole thing. When the patriot act came into play, we did not object to anything. We did not demand a separate treaty, which is what was necessary. The provincial Governments of British Columbia and Quebec have tried to get their own treaty for the protection of information but many experts in the field believe it would not be strong enough and would not cover the challenge. It also would not cover all of Canada, which is what we needed.

We needed to have a separate treaty that dealt with how information expunged by the patriot act would be used and the processes where Canadians would have recall and the processes as to how that information would be expunged or destroyed once an investigation had taken place.

*Government Orders*

We have none of that because we did not do anything about it. Therefore, when we have situations like this taking place where a bill comes in and the U.S. demands to have information about people, even though they may not even be landing in the U.S. and are tens of thousands of kilometres above the United States or partially across its borders, we must provide that information because of the PNR.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I appreciate the opportunity to speak this afternoon to Bill C-42 and to follow my colleagues who have spoken so eloquently and thoughtfully on this bill, particularly the critic for our caucus, the member for the Western Arctic who understands this public business in a way that many of us could only hope we could.

He made his own excellent speech making a case for slowing this process down, really thinking it through and perhaps finding other ways of responding to some of the very real challenges and threats that are out there today that do not require throwing this huge net out to catch so many people for absolutely no reason and cause them all kinds of inconvenience when they want to go on a vacation or go to another country for a wedding or funeral.

I have seen in this place over the last number of years, from particularly the present government but the previous government as well, where we get brought into a culture that is developing in the United States, particularly since 9/11. We understand the difficult situation and the reality of 9/11. We know there needed to be a response but the response that we made and continue to make is one that I believe indicates that the terrorists won. If the terrorists wanted to throw a cloud over society, over the free movement of people and goods and over the kind of relationship that we were developing in North America between Canada, the United States and Mexico, they could not have done it better.

We keep buying into a culture of paranoia, fear and, as so many of my colleagues have said here over the last couple of days, of misinformation.

How many times do we need to hear another American politician say, very publicly and in the media, without any thought whatsoever it seems, that the terrorist who hit the United States on 9/11 came through Canada's borders and that we were somehow responsible, that we somehow played a part and that we somehow were negligent with the security that we implement at our border?

We know that is just not true in each incident. Thank god we have good ambassadors to the United States who pick up on those things and go after those misinformed American politicians who go out there, probably for personal political gain, to make these statements that are so wrong and so false and cast us in this very difficult, challenging and problematic light.

We heard another U.S. senator just last week make the very same statement. After all of these incidents, after challenging them so publicly, after our ambassadors went after those folks and told them they were wrong and after us making our case time and time again, we still have another American senator saying very clearly and confidently that somehow the terrorists of 9/11 came through U.S. borders from Canada and that somehow we had a responsibility for that.

This culture of fear, paranoia and misinformation does not serve any of us well. We see it in our own ridings, particularly those of us who have to deal with constituents who find themselves crossing the border to go into the United States.

I live in a border community and I see many constituents not being able to get across the border anymore. It is not because they have done anything wrong or that they are bad people. It is not because they have a track record of misbehaviour or criminal activity. It is because sometimes there is a mistake or they have the same name as somebody else born on the same date and information pops up on the computer, because everything is computerized now it seems, that indicates a red flag.

• (1550)

Some of those people in Sault Ste. Marie are often on their way to a medical appointment in London and go down through Michigan and over through Sarnia. They may be on their way to a family wedding or even a funeral of a loved one or a friend and they are challenged at the border and must come back. Oftentimes, these people come to my office asking me to deal with this in a matter of half an hour or an hour. Sometimes if I write a letter assuring the border officials that these people are legit, bona fide, and plead with them to give these people a break, cut them some slack and allow them to go across to the wedding, or whatever it is they have to do, and I give my personal assurance that they will return to Canada, they can sometimes get through.

Just as problematic and difficult is putting together these lists that we are calling for in Bill C-42. It is frightening. People who cross the border from Sault Ste. Marie to get to Michigan were perhaps in their teens back in the sixties and may have smoked a little grass. Those people may have a record, some may even have been pardoned but all of a sudden there is a red flag on their record and they cannot cross the border. After 20 or 30 years of good living, hard work, getting up in the morning and feeding their kids, paying their rent, paying taxes and being good citizens in our country, they are all of a sudden fearful, because of this culture of paranoia, that they will not be able to cross the border anymore.

People would be totally surprised at the insignificance of some of the incidents that pop up and that these people get challenged over. I could tell stories that would make people cry in terms of the treatment or the challenge that people confront, or the heartbreak because they cannot get across for a day or two to attend some personal event that is happening in the life of an individual or family. That is wrong.

We need to sit down with our neighbours to the south to figure out how we can catch people who may have wrongful intent, and we can do that. As a matter of fact, we have always done that and we have been very successful at it. That is why the terrorists who perpetrated 9/11 did not come from Canada. They were from inside the United States. We do a good job of looking after our border. We know who is living in our country and we have good people working in our security systems.

### *Government Orders*

However, we continue to buy into more and more of what is often referred to as the thickening of the border, more and more of this new way of gathering and sharing information and the new technology that comes with that which is creating more and more inconvenience for ordinary citizens who just want to go about their business and are now afraid.

I have dealt with the problems of several people who came to my constituency office who were on the infamous no-fly list. We were successful in most cases but it took us forever.

People are absolutely stunned when they arrive at the airport and ask for their boarding pass and are told by the person behind the counter that there is a red flag and that they are on the no-fly list. They have absolutely no idea why. Sometimes they lose out on a trip they were going to make with their wife and family, a trip often paid for but one for which they cannot get their money back, because they are on the no-fly list and cannot get across the border.

• (1555)

That is just the beginning of it. To try to get them off that list is almost a Herculean task. What an effort. It goes on forever. First we have to find out who is responsible for the list and to whom we should talk in order to get the person's name off the list. We would think that after we had done it once or twice, we would have it figured out and there would be some kind of a shortcut to take to get this resolved, but no, that is not the case. In every instance, it is this long, drawn-out, prolonged, difficult, back and forth exercise. Sometimes it seems as though we are involved in espionage simply in trying to clear the name of a constituent. We are talking about members of the community who have lived the good life, who have kept their noses clean, have gotten up every morning to go to work, have paid their bills and taxes. We are talking about people who simply want to go through American airspace to another country for a little vacation or on business and who now may find themselves, even more than before when there was just a no-fly list, on another list that will stop them from doing what they want to do.

Someone asked just a few minutes ago what the problem is here, that we all have passports and we can just show our passports and away we go. I have to say that the experience in my office is that even with a bona fide Canadian passport, people can still get stopped. People can still get challenged at the border. People can still get turned back, because somebody somewhere has found something else that pops up, that is above and beyond the passport. With this new regime that we are considering here today, who knows what else might be out there waiting to catch people?

Some people may remember the western hemisphere initiative. We can tell this to our kids some day and they will wonder what we are talking about. There was a time in the relationship between Canada and the United States when people could actually flow freely back and forth across the border. People could go from Sault Ste. Marie, Canada to Sault Ste. Marie, Michigan. People married each other; because of the free flow we almost thought we were of similar citizenship. We really did. We were neighbours. Then all of a sudden one day we woke up and we were told that in a year or two we were going to need passports. We had to plan for that and it was a difficult experience.

I remember all the trips that colleagues from my caucus made to Washington to speak to senators, to tell them how foolish this was, how it was going to catch so many people and how it was going to affect the free flow of people and trade. We were told not to worry, that it will all be okay, that it will sort itself out, that in time we will not even notice that we have to show a passport. In my own instance and in my own community, this has become a huge problem.

Just with the traffic that flows back and forth nowadays on the bridge in Sault Ste. Marie from Ontario to Michigan, the numbers have plummeted. They have gone down significantly. I suggest it is because of some of this new public policy that we and our neighbours to the south have put in place.

I am sure it affected other industrial sectors, but it has certainly affected the tourism industry. We have a ski hill in Sault Ste. Marie with the best snow in the whole of the U.S. Midwest and into Canada. Searchmont ski hill used to bring in between 50,000 and 70,000 people a year to ski, particularly if it was a good winter. They are not coming as readily anymore because even though Canadians have become more and more accustomed to using a passport, our American friends have not, and they are not coming across the border. They are not coming here to ski, to stay in our hotels and to spend money anymore.

• (1600)

The snow train in Sault Ste. Marie used to bring in 100,000 people a year. We are lucky now if we get 40 people and the number is going down. It is terrible. It is shocking.

This is our economy. This is our bread and butter. This is what puts food on the table for workers in our neck of the woods. They work on the train. They keep the tracks clear. They provide the entertainment. It is a huge industry in Sault Ste. Marie and Algoma, and it has deteriorated significantly over the last couple of years as we have begun to experience the infamous western hemisphere initiative. Tourism is down.

I expect that if we bring in what we are talking about here under Bill C-42, right now it is Americans who are not coming here, but if people from other countries have to pass through American airspace and have to get on a list and be prior approved, the numbers will plummet even further.

What happened to the notion of free trade and fair trade, the free flow of people and the free flow of goods and services for a tourism industry in Canada and in northern Ontario that is as good as, if not better than, anywhere else in the world?

We are creating regimes here of public policy, of oversight, of throwing nets out that are catching people who perhaps we did not intend to catch. It is affecting us in a very negative and hurtful way.

We continue to make it more and more difficult. More and more with our public policy we are moving toward an integration with this American culture of paranoia, fear and misinformation.

*Government Orders*

We started out following on the coattails of the Americans as they were paranoid about the possibility of being attacked by other rogue regimes that might have rockets and nuclear weapons. They came up with the star wars idea which they wanted us to buy into. We said no. We looked at it and thought about it and looked at what it was going to cost and how successful it might be in the end. Some thoughtful, intelligent people look at it, and thankfully as a country we said no to star wars and it went away. We do not hear much anymore about that anti-missile net that we were going to set up to catch missiles from rogue countries.

Then we were invited by the Americans, again in their heightened state of true paranoia, to join them in the war in Iraq that was about weapons of mass destruction. At the end of the day we found that the weapons did not exist. Thankfully, we can give credit to the hundreds of thousands of people across this country who marched, rallied and gathered in town squares to say that this was not the right thing for Canada to get involved in. They were telling the Americans not to do it. They were telling the Brits not to do it. More important, they were telling our government not to follow suit, that it was not in our best interest and it was going to turn out bad.

After a few years of assessing that incursion, that war on Iraq by the Americans, we have decided that it probably was not the world's best moment. It probably was not the Americans' best moment.

It turned out that it was probably a good and smart decision, in keeping with the tradition of Canada as peacekeepers in the world, as a third entity that can bring a position to the table that might resolve conflict as opposed to adding to it.

• (1605)

Then we went on from there to passports. Now we are looking at—

**The Deputy Speaker:** Order. Questions and comments, the hon. member for Eglinton—Lawrence.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, the hon. member for Sault Ste. Marie has raised a few very important, serious issues, because they address themselves to the question not only of security but of internal security as well.

I wonder whether he has a reflection on what transpired at the beginning of the year. Remember now, we are all gripped and seized with the issue of criminality, whether it is on the ground or in the air.

The hon. member will know that there was a particular report that received a lot of attention here in Canada, via some of the daily press, regarding an expert who was coming here to attend a conference on the expansion of international criminal elements from a particular criminal organization vested in southern Italy, that there were tentacles here in Canada that were a threat to the peace and security of Canadians and Americans. I wonder whether the hon. member saw that. I know he follows this.

I wonder whether he has any reflections on the reasons that the Government of Canada refused to give that technical expert all of the protection that he receives whenever he travels anywhere else in the world and offers the benefit of his expertise for the safety and security of citizens everywhere around the world. The Government of Canada is presenting legislation to comply with an American act without negotiating, but in that instance, it had a specific situation

that would have cost it nothing except to provide a couple of bodyguards. Why did the government walk away and say no? Why did some local off-duty police officers have to provide that individual with security here in Canada?

I am wondering whether the hon. member makes the connection about the intent of the Conservative government to stand up for its citizens and its system. Has he come to the conclusion, as many of us have here, that the Conservative government is a sound bite legislation government? It makes a lot of sound, but no bite.

• (1610)

**Mr. Tony Martin:** Mr. Speaker, indeed I do remember that story. I found it odd, to say the least, that in that instance we would not be doing all that we could to make sure the person was made to feel safe in our country. We pride ourselves in being a country that does that kind of thing.

I reflect back on the billion dollars that was spent this summer to protect six or seven world leaders at a big meeting in Toronto. Yet for the small amount of money that it would have cost to extend a courtesy to that expert we brought in, it was a little strange not to do it.

Yes, it speaks to me of a narrowness in scope when it comes to these kinds of things. When the Americans say we should do something, we jump to it, saying, “Yes, sir, three bags full, sir”. We seem to think that if we do not, we are going to be punished.

I think all members, opposition and government, should be sitting down together and looking at what we could do that is in the best interests not just of security, but also in creating a world where we all feel comfortable, and where we can move around without being accosted every time we cross a border to go on a vacation. It is rather odd.

The hon. member raises a good point and makes a good case.

**Mr. Claude Gravelle (Nickel Belt, NDP):** Mr. Speaker, I would like to commend the hon. member for Sault Ste. Marie for his concerns about this bill.

The hon. member referred to the tourism industry in his riding of Sault Ste. Marie, which is very close to mine. I remember reading a lot about the problems the tourism industry is having in Sault Ste. Marie, specifically as it relates to the ski hill operations, because Americans are not coming to Canada for a lot of reasons.

This is another reason that they would not come to Canada. This allows data mining of Canadians' personal information, and a lot of information that is unnecessary for the government to have.

I would like the hon. member for Sault Ste. Marie to explain to me what this does to the tourism industry, not only in Sault Ste. Marie but right across Canada.

*Government Orders*

**Mr. Tony Martin:** Mr. Speaker, when we consider for a second, and the member for Windsor West will I think appreciate and understand this, the rigmarole that people have to go through to get across that border, particularly from Canada into the United States, in a jurisdiction that is supposedly the freest in the world, the interrogation, the sometimes harassment, the hours that they spend at the bridge going through one or two or three processes of inspection, who would want to come back and do that more than once or maybe twice? That is the reality.

I know people from the States who have come to Canada and I have relatives who live in the States. They are more and more anxious about coming over to Canada any more, even if it is to spend a day skiing or to visit family, because they worry about what is going to happen to them on the way back as they cross through that border.

So, add on top of that this new layer of scrutiny when we now simply fly through American air space and we begin to see why this is not good public policy.

• (1615)

**The Deputy Speaker:** Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

**The Deputy Speaker:** Call in the members.

*And the bells having rung:*

**The Deputy Speaker:** The vote stands deferred until the end of government orders later this day.

\* \* \*

**SAFEGUARDING CANADIANS' PERSONAL  
INFORMATION ACT**

**Hon. Tony Clement (Minister of Industry, CPC)** moved that Bill C-29, An Act to amend the Personal Information Protection and Electronic Documents Act, be read the second time and referred to a committee.

He said: Mr. Speaker, it is my pleasure to rise in my place today to begin second reading of Bill C-29, the safeguarding Canadians' personal information act.

I would like to thank those following me on Twitter for being so patient. I have been telling them I was going to be rising to speak on this bill for about an hour now. They can rest assured that I am fulfilling my responsibilities as industry minister as I debate this bill.

This bill is about privacy in the digital age and is, therefore, an important element of Canada's emerging digital economy strategy.

Internet technology has brought many benefits and has changed our society in sometimes profound ways. It has made distance irrelevant for many and improved our overall quality of life. It has changed the way we communicate with one another, how we network, how we socialize with another. It has revolutionized our economic models, transforming how businesses, large and small, manage their supply chains and expand their reach. Businesses use the Internet to customize their products and manage relationships with their customers.

[*Translation*]

However, the digital economy has challenges as well as benefits. The Internet can be used to broaden a company's marketing base and collect a great deal of information. Most of this information is personal, and many would prefer that it remain private. There is basic information such as names, addresses and dates of birth. There is also very personal information about health, criminal records and credit card numbers.

[*English*]

So in the wrong hands any of this information could be used for malicious purposes, such as identity theft or bank fraud. But even when not used for malicious or illegal purposes, the unauthorized revelation of personal information to outside third parties constitutes an invasion of the privacy that most Canadians value highly.

We want to ensure that concerns about privacy and the protection of personal information do not undermine the potential of the digital economy to continue to change our lives for the better. After all, some 80% of Canadians use the Internet and 88% of businesses are online. The total value of online commerce in Canada in 2007 was \$62.7 billion. We want to grow that business, and to do so we need to establish an environment of confidence and trust in online transactions.

Currently in this place Bill C-28, the fighting Internet and wireless spam act, is under consideration as well. It would provide a solid foundation for combating spam and various forms of malicious Internet activity. That bill, together with the bill I rise to support today, is part of our agenda for putting Canada at the forefront of the digital economy.

PIPEDA, as it is called, has codified in law a set of privacy principles that had already been well established. The Canadian Standards Association model code for the protection of personal information provides the foundation for privacy protection, no matter what the technology.

The standard was developed through careful consideration among government, industry, consumers and privacy advocates and has been recognized internationally. In fact, international recognition was an important concern when building the PIPEDA regulatory regime.



One of the early tests PIPEDA faced was whether the European Commission would recognize that it provided adequate privacy protection for the purposes of the EU data protection directive. The European Commissioner has recognized PIPEDA's regime. As a result, organizations subject to PIPEDA can receive personal data from EU member states. I point this out as an example of how framework laws such as PIPEDA, our privacy protection legislation, are essential for the competitiveness that we need for the digital economy.

PIPEDA's flexible, principles-based approach has allowed the Privacy Commissioner of Canada to examine challenges to our privacy posed by new technologies that collect and store massive amounts of personal information. We have become international champions of privacy in the age of social media.

• (1620)

[Translation]

PIPEDA is a very effective component of the legislative framework. But a good law can always be made better. Thus, it must be reviewed every five years.

[English]

The first such review was completed by the Standing Committee on Access to Information, Privacy and Ethics in May 2007. I want to reiterate the thanks to the committee that were given at that time by my predecessor as industry minister, the current Minister of the Environment.

The committee heard from 67 witnesses and considered 34 submissions from individuals and organizations. The report concluded that PIPEDA does not require major changes at this time, but at the same time it presented 25 recommendations addressing issues raised during review.

[Translation]

In October 2007, the government tabled its response to the report; it dealt with each of the 25 recommendations. Even though no substantive changes are required, our government made a commitment to amend the act in keeping with a number of the report's recommendations. We will also work with stakeholders to ensure that the changes made are as effective as possible.

To guide the government's approach to this commitment, Industry Canada organized more than 25 meetings with stakeholders. It met with businesses, consumer and privacy advocates, Canada's Privacy Commissioner, the provincial governments and enforcement agencies. The department also received 76 written representations in the *Canada Gazette* after the consultation process.

• (1625)

[English]

The bill before us responds to the recommendations of the committee and to what we learned from the Industry Canada consultation. The amendments contained in the bill will further enhance Canada's reputation as a world leader in privacy protection. We will maintain one of the world's most effective regimes for the protection of personal information in the digital age.

### *Government Orders*

The amendments before us can be divided into four broad categories designed to do the following: protect and empower consumers, clarify and streamline rules for business, support effective law enforcement and security investigations and address technical issues.

Let me summarize. First, to protect and empower consumers we have added new provisions to the act and amended existing ones. To protect the privacy of minors online, we have enhanced the consent provisions.

Under the amendments before us, consent is only valid when obtained from an individual who can reasonably be expected to understand the nature and consequences of the transaction or the communication being proposed.

To help deter financial abuse, locate injured, ill or missing persons and to help identify the deceased, the act will be amended to allow for disclosure of personal information to the relevant authorities or the next of kin. Financial organizations, for example, would be able to contact law agencies, friends or family members of individuals who are suspected to be victims or potential victims of financial abuse. This is in response to situations commonly referred to as elder financial abuse.

[Translation]

Even more important, this bill will introduce new requirements. Organizations will have to report significant breaches to the commissioner and notify the people affected when a breach poses a risk of harm.

This is a risk-based approach to providing notifications of privacy breaches. It recognizes that not all breaches pose a risk to consumers. It also recognizes the risk of too many notifications. In fact, consumers might not respond appropriately when a breach poses a real risk. With this approach, the commissioner is informed of the nature and extent of privacy breaches so that she can monitor and defend privacy issues.

[English]

The second broad category of amendments will clarify and streamline rules for businesses. We are making these changes in response to calls from business to help clarify their responsibilities under PIPEDA. They will help businesses comply with the law.

These amendments will ensure access to information that is critical to the regular conduct of business. This will facilitate such functions as managing employment relationships and conducting due diligence for business transactions, such as mergers and acquisitions.

*Government Orders*

[Translation]

The amendments would also allow employers to disclose, as required, professional information, including emails, that their employees produce in the course of their daily activities. The new provisions will facilitate the legitimate activities of the public and private sectors, in the financial sector, for the purposes of investigations and fraud prevention. In accordance with the government's paper burden reduction initiative, these provisions will replace a tedious regulatory process.

[English]

The third broad category of amendments will support effective law enforcement and security investigations. These amendments remove barriers to investigations that were unintended by Parliament when PIPEDA was enacted. They will clarify that the act allows organizations to collaborate with law enforcement in situations where there is no warrant.

Amendments will also prohibit organizations from notifying individuals, without prior approval from law enforcement, that the police have requested information about them. This will help prevent the disappearance of suspects and the destruction of evidence.

PIPEDA of course, the current privacy legislation, is a good act. It has put Canada at the forefront of online privacy protection, but we can and we should make a good act even better. The House of Commons Standing Committee on Access to Information, Privacy and Ethics created a road map for us in its report. We are following that route, and with the further help from the advice of the Privacy Commissioner and the many individuals and organizations who have consulted with Industry Canada over the past two years, we will do so.

Taken in a broader context, these amendments are part of a much bigger initiative to put Canada at the forefront of the digital economy. Our economic performance in the 21st century will depend in large part on the trust and confidence Canadians have in online transactions. From the foundation of that trust and confidence, we can build a digital economy that will bring prosperity and quality of life to Canadians for generations to come.

With this in mind, I encourage all hon. members to join me in supporting the bill.

• (1630)

**Mr. Claude Gravelle (Nickel Belt, NDP):** Mr. Speaker, I would like to ask the minister a question. I want to read something from the bill. The bill permits organizations to collect, use and disclose information without the knowledge or consent of the individual if the personal information is contained in witness statements related to insurance claims, or was produced in employment or business, or to establish or terminate employment relationship, or required to communicate with next of kin, or disclosed to prevent, detect or suppress fraud or financial abuse and used to identify injured, ill or deceased persons; and finally, for policing services.

We will support the bill to send it to committee to make some changes. Would the hon. member be willing to support changes so we can properly identify lawful authority and policing services?

**Hon. Tony Clement:** Mr. Speaker, we are seeking to create the appropriate balance between the rights of individuals to their privacy and also protect society in cases of fraud or crime or to help families of victims or themselves, if they are not capable of helping themselves. That is the balancing act we must play.

As I expressed in my remarks, we think we have achieved that balance, but we are always open to criticism and we are certainly open to constructive criticism. If there are ways we can improve the bill that do not do violence to the intentions of the bill, we would be all ears.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Mr. Speaker, I thank my colleague, the minister, for the work he does on behalf of all Canadians, protecting our personal privacy and ensuring that we are not going to have to share personal private information with the Government of Canada. These changes he is making through PIPEDA address the issues of personal information in the private sector.

I think Canadians are worried about their information. It was a few years ago where Home Sense or one of those companies had credit card information taken from its system. We have known of banks that have lost critical banking and customer information.

Today, with the new technology, photocopiers with hard drives remember digital information and make digital copies of this information.

With all these different forms of technology, whether it is e-commerce, or a customer walking in and doing a credit card transaction or it is photocopy of information on a hard drive, is the bill technology neutral and is will it do more to protect the private information of Canadians in this sense?

**Hon. Tony Clement:** Mr. Speaker, I appreciate the member's remarks on this topic. The intention of the bill is to be technology neutral, as the hon. member has suggested. One of the strengthening clauses or improvements from the current legislation is designed to create an obligation on behalf of the private sector when there is a large breach of privacy, a legal obligation to in fact inform customers and inform the Government of Canada that there has been a major privacy breach.

Under the current rules, there is no such obligation. There might be a moral obligation, but there is no legal obligation to do so. We want to ensure that if there has been a large scale breach, there is an obligation to report that.

• (1635)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the previous questioner seemed to be concerned about the privacy of Canadians. Yet we debated for several hours today Bill C-42, An Act to amend the Aeronautics Act. It would allow Canadian carriers to give private information on the PNR to the American security.

*Government Orders*

How does the minister reconcile this whole effort to update the privacy legislation of the country with Bill C-42, in which we will give information away to American entities without reciprocity? The Conservative government could have demanded the same treatment. The Americans have 2,000 flights a day flying over Canadian airspace. We have 100 flights flying over American airspace.

Surely the government could have said that if the U.S. demanded the information from it, the Canadian government would demand the same information on those 2,000 flights. Did the government do it? I do not believe so.

**Hon. Tony Clement:** Mr. Speaker, I feel like I am in a bit of a time warp here. I believe this place was discussing that very bill awhile ago, so I will not rehash that. If the hon. member had a comment at that time, he could have put it on the record.

This deals with is the protection of personal information in the private sector context. We were talking about bank records and transactions, credit card information, all this type of personal information that is now available to private sources, which Canadians are willing to give to be part of the online universe and to be part of a modern economy.

However, at the same time, we have to ensure there are adequate protections that Canadians can reasonably rely on and have confidence in so they can take part in the normal transactions that we do nowadays online or with our banks, or with other private sector institutions. We need to have the faith that the system is designed, in most cases, to protect our privacy, unless there are extraordinary circumstances as outlined in the bill.

**Mr. Claude Gravelle:** Mr. Speaker, the minister and other members of Parliament are always concerned about privacy issues. Has the government taken into account people or companies that might abuse the bill, if it passes, and are there any penalties for that?

**Hon. Tony Clement:** Mr. Speaker, there are sanctions. It would not be much of a bill if there were no sanctions to ensure these rights are enforced appropriately. We have been working with the Privacy Commissioner to ensure that she is fully cognizant of this legislation. She has been an active interlocutor in the drafting of the bill to ensure it has teeth and to ensure it can actively do what it intends to do. This has been a most collaborative process with the Privacy Commissioner as well as with other deponents, including consumer rights groups, who have particular expertise in this area. Again, I believe we have the appropriate balance.

**The Deputy Speaker:** I would like to inform the House pursuant to Standing Order 38 that the question to be raised tonight at the time of adjournment is as follows: the hon. member for London—Fanshawe, Aboriginal Affairs.

Resuming debate, the hon. member for Eglinton—Lawrence.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, the closing comments by the minister, when he referred to bites, et cetera, reminded me of a statement made by our colleague from Montmorency yesterday. So much of the government legislation is sound bite legislation, “safeguarding Canadians' personal information act”. It almost as if we had a guard dog on site. The only problem is that the guard dog has a bark like a sheep dog and a bite like a chihuahua. When is the government going to get away from sound bite legislation and actually do something worthwhile?

The minister justifies it all by saying we have an Internet economy that is worth some \$62.7 billion and so we will ensure we can grow that. The government is not going to do anything about that at all.

What is going to happen is companies that want to get on the Internet for the purposes of expanding their commerce are going to do so. They are not going to worry about whether the government wants to jaw-jaw its way into this. They are going to take a look at this legislation and say that the member from Montmorency is right, that those guys have a bite and a bark like a chihuahua.

This is especially so after the industry committee has made some recommendations to the minister. With the benefit of those recommendations, he still goes ahead and presents legislation that he himself acknowledges requires further study from the committee and make the kinds of suggestions to improve the bill that he knows he must put in place if this will be acceptable legislation.

All of us are desirous of maintaining our privacy, in keeping what is ours to ourselves, keeping our security safeguarded at all times, to ensure that anything that pertains to our person, our businesses, our interests is released only when we think it is appropriate for our sake, for our interest.

For the government to come forward and say that it will safeguard all of that, except in certain circumstances, does not make safeguarding personal privacy interests very secure. What it does is introduce exceptions to kinds of privacy and security that it claims to be support.

Its sound bite title is, like everything else the government does, smoke and mirrors, deception and manipulation.

One can easily applaud the fact that there are amendments to PIPEDA, the Personal Information Protection and Electronic Documents Act, and notice that there is nothing in that title that sounds like a sound bite that it is actually a factual issue, but the government decides to take this legislation and make it look like it has done something else with it. That might enhance its opportunities to sell itself as something proactive.

It took the government four and a half years to discover that 80% of businesses are on the Internet, that means they have a website, and that 88% of Canadians are Internet savvy, that means they can browse the net. All of these things do not a business make, but they are the fertile ground for businesses interested in making their commerce more time sensitive, more immediate and more global.

Bill C-29 amends PIPEDA to, among other things, permit the disclosure of personal information without the knowledge and consent of the individual who possesses that for certain purposes. Some of the purposes will make sense. It is a little bit like the Trojan horse that gives access to a treasure trove in somebody else's domain.

● (1640)

The first of these does sound as if it makes sense. Number one is for identifying an injured, ill or deceased individual, communicating with their next of kin. There are very few people who would say that is bad.

*Government Orders*

Second is for performing police services. There are no other qualifiers. There are a lot of people who want to know what that means.

Third is for preventing, detecting or suppressing fraud. Successfully or unsuccessfully? What is the intent? Which organization?

Fourth is for protecting victims of financial abuse. How so? By releasing their information?

Another series of amendments is to permit organizations, any organization, for certain purposes not specifically outlined, to collect, to use, to disclose without the knowledge and consent of the individual, his or her personal information, number one, contained in witness statements related to insurance claims. Whose commercial interests are we looking at there? Second is information produced by the individual in the course of his or her employment, business or profession. That is virtually anything. Everybody in this place is producing information literally on a minute-by-minute basis, but some organization is going to have access to that.

Members might say that in a great, open and transparent environment such as the Parliament of Canada, such as the House of Commons, anybody who is engaged in this ought to so admit. It is something that we might have asked the Minister of Defence, for example, who today talked about the complexity of the procurement process and military hardware acquisition as being a little too complicated for the simple-minded public that wants to find out whether it is transparent and whether it meets the test of value for money, as being a bit of an intrusion and just barely tolerable.

This is hardly accountability. It is hardly transparency and it certainly does not lead to the business of openness, but under PIPEDA, everybody else has to operate that way.

A third set would require organizations to report material breaches of security safeguards to the Privacy Commissioner and to notify certain individuals and organizations of breaches that create a real risk of significant harm. Somebody is going to make a judgment. I will come back to that in a moment.

As I go through this, I ask how we can safeguard Canadians' personal information. I am a consumer like everybody else in this House. As an individual and like many people in this House, excluding all those who serve the House, I am a legislator, and I do not believe that my personal information will be any safer, believe it or not, under the current drafting of Bill C-29.

The Government of Canada prepares a piece of legislation by which I, as a member of Parliament, as a consumer, as a private citizen, just like the Minister of Immigration, who is really listening to this, think that my information is easily protected by some of these measures that have gaping holes, in a legislation that did not exist before. It is going to need a lot of amendments in order for me to feel comfortable.

Why do I focus on me, Mr. Speaker? Just like you, we represent the general public and the general public expects us to feel what they feel, to see what they see, to experience what they live every day. There is not a Canadian out there who is not thinking, "Hold up. Is this legislation really designed to protect my privacy, or are they beginning to insinuate some sort of little loophole for others who are

involved in business or whatever, to use to my disadvantage?" There are a lot of them out there already.

It is interesting that this legislation did not have this sound bite title that said, "We are going to go after all the crooks. We know they are out there but they are not being reported. We are going to build jails for them so that when we catch them, if we ever put police on the beat and if we ever sustain the court system enough that they will be able to process all of these accused and alleged criminals, we will actually be able to house them".

• (1645)

That is not what this is about. If that is the kind of intention they have, I do not see that intention in the legislation. Primary in this kind of assessment relates to the requirement that I mentioned a moment ago to report a "material breach of security safeguards involving personal information under its control" to the Privacy Commissioner. That is what is going to happen. All of this is going to be reported to the Privacy Commissioner.

First, the threshold for determining that requirement for that disclosure is ambiguous. I noted that the minister did not make any effort to be specific to give us an indication of where the intent is. He did not give us any indication of the precision of the language. Not only is it ambiguous; it is confusing, quite frankly. As I said a moment ago, it has more holes in it than a retaining wall that has been breached by an invading army.

Second, there is no enforcement provision included in the bill to ensure that this will be done. When my colleague from Montmorency—Charlevoix—Haute-Côte-Nord says that the sound-bite legislation that the Conservatives put in place is a little bit like a chihuahua barking away and trying to bite, he is right. If there is no enforcement mechanism, what is the purpose of making all of these statements? Who are they playing for fools? Do they really think Canadians do not look, do not listen, do not watch, do not critique?

I took a look at what the bill states and under proposed section 10.1:

(1) An organization shall report to the Commissioner any material breach of security safeguards involving personal information under its control.

It does not tell us how it got there in the first place or whether the organization had the right to get it there. It goes on:

(2) The factors that are relevant to determining whether a breach of security safeguards is material include:

Here is a definition for them, and so when I say it is ambiguous, confusing, wide open, it says, first of all, the "sensitivity of personal information". Who is the best judge of whether personal information is sufficiently sensitive? Is it going to be the organization? Is it going to be the Privacy Commissioner? Is it going to be the person about whom that information is rendered? The proposed section continues:

(b) The number of individuals whose personal information was involved...

*Government Orders*

This reminds me of days gone by when priests in a confessional were trying to explain to penitents the significance of lies. One of the penitents said, "Father bless me for I have sinned, but it is no big deal; I just told a lie".

The priest did not know any other way to get the penitent to understand the severity of that lie and said, "I tell you what. Here is a pillow full of feathers. Go up to the top of the hill. It is rather windy right now. I want you to open that pillow."

The penitent went to the top of the hill, opened the pillow full of feathers and, behold, the wind blew them all over the place.

The penitent went back to the confessional and said, "Father I did what you asked me to do".

The priest said, "Good, go pick them all up".

The penitent said, "I cannot do that. Those things have gone for miles and miles now".

Members can understand what the priest said then. That is the gravity of personal information about which one spreads lies, but the bill does not say that the person about whom information is being supplied has any control over it. Somebody else is shaking that pillow at the top of the hill. The proposed section continues:

(c) An assessment by the organization that the cause of the breach or a pattern of breaches indicates a systemic problem.

• (1650)

Yes, that will happen. Every organization is willing to beat its chest and say, "*Mea culpa, mea culpa, mea maxima culpa*". It is not going to happen. Very few people did it in times when people spoke Latin, and now that English has replaced Latin as the lingua franca, there are even fewer people.

So who makes the determination? Mr. Speaker, I guess you are like me. If it were my personal information that was being breached, I would want to report it to the commissioner. Yet Bill C-29 leaves that decision up to the organization that is supposedly making the report if not, in fact, the breach.

Bill C-29 also states that under proposed subsection 10.2(1), "Unless otherwise prohibited by law," and look at that loophole:

an organization shall notify an individual of any breach of security safeguards involving the individual's personal information under the organization's control if it is reasonable in the circumstances to believe that the breach creates a real risk of significant harm to the individual.

As the hon. member for Elmwood—Transcona said a few moments ago, so now the Americans, under Bill C-42 that the House had discussed before, can ask any of our domestic airlines, our carriers, to give them every piece of information in their possession, including everything one can name from there on in, everything one has to lay bare when one goes to buy a plane ticket. Bill C-29 essentially says that organization can do all of that.

What is the definition of significant harm under proposed subsection 10.2(2)? It is:

For the purpose of subsection (1), "significant harm" includes bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property.

Now one has to prove how significant that was. There are not very many people who are going to be better defenders of one's character and one's interest than oneself.

Real risk of significant harm and the factors that have to be included are those that are relevant to determining whether a breach of security safeguards creates real risk of significant harm to the individuals, and have to include the following. Listen to this. They have to include this:

(a) the sensitivity of the personal information involved in the breach;

Who is making the decision on the sensitivity? Somebody else.

It goes on:

(b) the probability that the personal information has been, is being or will be misused.

I am just thinking of Bill C-42. Any foreign state can ask of a Canadian carrier information that it will say is not going to be a problem and it is not going to do anything nasty with it, so the probability of that personal information being used or misused is practically nil, so it will take it all. Oh, good.

Again, while the conditions are defined, the interpretation is wide open and even includes variables that are impossible to determine. For example, how can an organization assess the probability that the personal information will be misused?

Most critical is that there is no enforcement and there are no penalties if the organization does not disclose a breach. This is untenable.

Other jurisdictions with similar laws have very high penalties for non-prompt disclosure. Let me see. I wonder where those other jurisdictions are.

Well, for example, right here in Canada, under the Alberta Personal Information Protection Act, PIPA, individuals and organizations can be fined up to \$10,000 and \$100,000 respectively for failing to notify the commissioner of a breach. There is an onus of responsibility. There is none in Bill C-29.

In Florida, which is just down the road, there are penalties of up to \$500,000 for similar breaches. I mention Florida especially since our carriers are going to have to reveal everything to the Americans anyway; it is about a three-hour flight from Pearson Airport in Toronto. In Michigan, penalties run up to \$750,000. Bill C-29 has no penalty. Why would these jurisdictions, including Alberta, have penalties and not the federal act that the government wants us to believe is the best thing since sliced bread?

• (1655)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the minister made his speech with a lot of flourish and he answered a couple of questions. He talked about \$62 billion in e-commerce in Canada. The question comes down to the nature of the government's role in e-commerce and government online.

We have seen a big change in the last five years, in comparison with the previous government. The Conservative government has no vision when it comes to e-commerce. It has no vision when it comes to government online programs and broadband development.

*Government Orders*

I would like to know how much money the government is collecting on a transactional basis. Under the old Liberal government, there were a number of e-government programs that provided services to the public. They were transactional, and they contributed to the general revenues.

I would like to know what the Conservatives have done in the last five years to expand e-government services to the people of Canada. How much of it is transactional?

• (1700)

**Hon. James Moore:** Lots.

**Mr. Jim Maloway:** The minister says they have done lots, Mr. Speaker. I would like to know how much money is being brought in on a year over year basis from government online programs. What is the government's vision for the future?

It is fine for the government to address these matters piecemeal, with a bill on spam and a bill making changes to PIPEDA, but what is its vision on e-commerce, government online, and broadband issues? Governments like those in Australia and England have a vision for these areas.

**Hon. Joseph Volpe:** Mr. Speaker, I find myself ill-equipped to defend the Conservative government. There was a time when I would defend the Government of Canada because it was a Liberal government that had a vision on governance and on providing a future for Canadians. It did not matter what part of the country they were in. For my colleague's information, he may wish to ask one of the government members sitting here listening to the debate.

He will know that one of the first things that the Conservative government did when it came to power was to put over to one side, first, the initiatives of its predecessor in delivering government services online, and second, all the initiatives designed to provide greater service to Canadians at a reduced cost. For example, all the initiatives associated with Service Canada were put on hold, even though the system had been up and running for a year, because the Conservatives needed to see whether there was efficiency in service.

In addition, the Conservatives cut back on all kinds of services associated with immigration. They needed to bring the number of applicants down, and the best way to do that was to reduce the services provided in posts abroad, so that fewer applications would be received. When fewer applications are received, less revenue is being generated.

As for the revenues the Conservative government has generated from an e-commerce perspective, or what it has done to develop e-governance and government online, I can only say that the short answer is nothing.

If the member does not believe me, he could go to the trouble of reading today's Auditor General's report. The Auditor General looked at a series of departments and said that over the last five years there has been a reduction in efficiencies and direction. A reduction was seen in the parameters that are put in place to manage efficiencies. Her department saw a reduction in accountability and an increase in waste.

If my colleague were to ask if there is a correlation between a having a vision and the wasting and squandering of opportunities, I

would say there is. The government opposite has chosen the chihuahua approach to governance: to be a little pipsqueak and do nothing.

• (1705)

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I want to respond to the member from the New Democrat Party. I know that the member for Eglinton—Lawrence was on a roll about chihuahua governments, but I will bring him back to the issue at hand.

The member from the NDP asked what the government was doing about e-commerce. What 1995 language. It demonstrates a gap between what is actually happening in the digital field versus what was happening in the 1990s. I will speak on my own portfolio, as Minister of Canadian Heritage. We are proud of digitizing government content and ensuring that Canadian content is being supported as never before in the new media.

First, we put forward Bill C-32, a good-faith, comprehensive effort to modernize copyright legislation. We are prepared to work with all opposition parties to ensure that this legislation is effective. We have a stand-alone legislative committee, and this bill is going to go forward and help to advance in the digital economy. The first thing that the government has to do is protect people from those who want to harm Canada's creators by stealing from them, ripping them off and legitimizing piracy. We are going to do that.

There are other things that we have done in my department. We have created the Canada media fund. Previously, we had the Canada television fund and the Canada new media fund. To support digital products by Canada's creators, we merged the two to create the Canada media fund. We wanted to ensure that these products are available on the platforms that our media creators choose, not only to support television content but also to support new media, video games, stuff that is streaming online, and stuff that is available for download. We wanted to ensure that Canada's creators have access to more money than ever before to support the creation of content in the digital platform that they choose.

Although we were in a recession, we made a commitment in the last election campaign to maintain or increase funding for the CBC. We have kept our word. The reason is that the CBC has modernized itself. It has become a true pan-Canadian multimedia platform for Canadian content. We have worked with the CBC to ensure that this is the role that it performs. The National Film Board has iPad and iPhone apps that for the first time make it possible to stream Canadian digital content online. Tens of thousands of Canadian films and shorts, children's shows, and documentaries are available online, free, through the web, through iPad apps. We have gone across the board. There is a publications fund to support the digitization of magazines.

No other government in Canadian history has made a more comprehensive and aggressive effort to ensure the digitization of Canadian content and government information.

*Government Orders*

**Hon. Joseph Volpe:** Mr. Speaker, I am so happy that we gave the Minister of Canadian Heritage an opportunity to toot everybody else's horn. That is in effect what he did. He said the creativity component in Canada is not resident in the Conservative government, unless it involves hands-off, backing away, not encouraging, and perhaps productively, not stepping on toes.

What he said was that right up until now, the Conservatives have not recognized the creative and commercial value that culture brings to the Canadian marketplace.

I accept his Confiteor. That is okay. But he did not answer the question from my colleague from Elmwood—Transcona. My colleague asked what the government was doing to generate commerce through the new media. He asked this because the Minister of Industry said he was able to measure the level of commerce at \$62.7 billion, exactly. Up until he said that, everything took place without the help of the Conservative government. So my colleague from the NDP asked what the government was doing, and whether it was doing it with this sound bite legislation.

The true answer is that the government does not know anything about commerce, does not care about the economy, and has no clue how wealth is created. All we have to do is look at the waste it has created and the debt it has incurred, which has put the country on its knees.

• (1710)

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, as the Bloc Québécois privacy critic, I am pleased to speak today to the government's Bill C-29, which the Minister of Industry introduced in May.

The Bloc Québécois will vote against Bill C-29 because it is yet another bill that shamelessly interferes in an area under provincial jurisdiction.

The Bloc Québécois vigorously opposed the adoption in 2000 of the Personal Information Protection and Electronic Documents Act, which this Bill C-29 seeks to amend.

Of course, we played an active and responsible role in the study of part I of the Personal Information Protection and Electronic Documents Act, and we even proposed some changes in an attempt at damage control.

But the Bloc Québécois has always made it very clear that it definitely does not support the legislation that came into force in January 2001. And it was not alone.

In Quebec, the government, businesses, consumers, the Conseil du patronat, editorial writers, constitutional law experts and many others loudly criticized this renewed assault on Quebec's exclusive areas of jurisdiction.

In May 2007, the Bloc Québécois voiced its opposition to this new intrusion into provincial areas of jurisdiction in its dissenting report appended to the Standing Committee on Access to Information, Privacy and Ethics' report on the Personal Information Protection and Electronic Documents Act. Apparently, the recommendations in that report resulted in Bill C-29, which was introduced in the House today.

Both the Personal Information Protection and Electronic Documents Act and this bill, C-29, which would amend the act, are perfect examples of the federal government preying on Quebec's powers yet again.

Basically, the Government of Quebec and the provinces have been arguing since 2000 that, despite the federal government's attempt to justify its bill based on its power to regulate trade and commerce, personal information protection is within the jurisdiction of Quebec and the provinces because of constitutional powers in the areas of property and civil rights.

Constitutional law expert Jacques Frémont of the Université de Montréal was very clear about this when he commented on the original bill that Ottawa was trying to pass. This is what he said:

[This bill] violates both the spirit and the letter of the division of powers, as we must understand it in this country. It denotes an arrogant approach and constitutes an intrusion on the part of the federal government in areas of provincial jurisdiction. Protection of personal privacy is essentially a provincial power. In Quebec, for example, in the area of property and civil rights, it is the Quebec Civil Code that applies, as well as the Canadian and Quebec Charters.

Personal information is very well protected in Quebec. The federal legislation simply overlaps provisions that are already in place. First, section 5 of the Quebec Charter of Rights, adopted in 1975, explicitly states that every person has the right to privacy. Second, chapter 3 of the Civil Code, in particular sections 36 to 40, contains privacy provisions. Third, Quebec's Act respecting the Protection of Personal Information in the Private Sector has also been protecting Quebecers' personal information since 1993.

In addition, companies under federal jurisdiction that operate in Quebec are already covered by Quebec laws. Quebecers' privacy rights are fully protected by Quebec law, whether they do business with a company under provincial jurisdiction or a company under federal jurisdiction.

In September 2009, the task force on the future of the Canadian financial services sector published a report that focused on protecting personal information in which it states the following about Quebec's legislation:

• (1715)

On a literal reading, the Quebec law applies to banks as well as other financial institutions. ... In the absence of federal legislation on a particular subject matter, validly enacted provincial law may apply to a federal undertaking unless the law prevents the federal undertaking from managing its operations or generally accomplishing its ends.

Moreover, the report stated that Quebec law already applied to interprovincial and international trade as well.

Moreover, the effects of the Quebec law will not be confined to the province. National institutions will face the Act's restriction on the extra-provincial transfer of personal information (about Quebec residents).

The Personal Information Protection and Electronic Documents Act gives the federal government the power to render a Quebec law invalid. That is too much.

*Government Orders*

The federal act applies to all financial activities unless the Governor in Council orders, if satisfied that a province has adopted similar legislation, that it be exempted in whole or in part. In December 2003, the federal government issued an exclusion order applicable to organizations in Quebec. Unfortunately, not only is the power set out in paragraph 26(2)(b) left to the government's sole discretion, but it applies only to information within Quebec and held by companies under provincial jurisdiction.

Pursuant to this paragraph, the Governor in Council could therefore, if it wished, order that the laws of Quebec be declared partially or wholly invalid, without even referring the matter to Parliament. This is unacceptable to the Bloc Québécois. It cannot subscribe to any law that goes against the interests of Quebec and it believes that Bill C-29 should not even be discussed in the House: civil law comes under provincial jurisdiction.

Need I remind this House that the concepts of privacy and confidentiality are extremely important in the 21st century, as their application in daily life is becoming especially difficult? Privacy and confidentiality are, in fact, concepts tied to basic rights such as freedom and personal autonomy. Protecting privacy and confidentiality is simply recognizing every individual's right to a private life.

In other words, people have the right to determine when, how and in what way they will communicate information to other people. What I call the right to private life is being threatened today, more than ever, by problems stemming from new information technology, and every privacy protection measure has to take that into account.

The Big Brother George Orwell created in 1948 in his novel *1984* is alive and well among us, and I will not be the last person to talk about that.

Any privacy initiatives, today and in the future, must cover not only the monitoring of information about us, but also protection against unwanted access to our personal information by other people. In fact, that is why our governments have had to create organizations and legislation to protect privacy.

Quebec has been a true pioneer in North America in the area of access to information and protection of privacy, and serves as a reference for all western countries. The Quebec access to information commission was created in 1982, but as early as 1971, with the passage of the Consumer Protection Act, Quebec's lawmakers broke new ground by ensuring all persons the right of access to their credit records.

In 1975, the National Assembly passed the Quebec Charter of Human Rights and Freedoms, recognizing the right of all persons to respect for their privacy and their right to information. This was a historic legislative step that would lay the legal foundations for fundamental principles.

● (1720)

On June 22, 1982, the Quebec National Assembly passed an act respecting access to documents held by public bodies and the protection of personal information, thereby creating the Commission d'accès à l'information du Québec. The National Assembly continued its efforts to protect privacy by adopting the act respecting the protection of personal information in the private sector, which came into force on January 1, 1994.

In Canada during that time, part IV of the Canadian Human Rights Act created the position of Privacy Commissioner in 1977. The commissioner is an officer of Parliament who acts as a privacy ombudsman.

The federal government then passed two pieces of legislation, the Privacy Act in 1983 and the Personal Information Protection and Electronic Documents Act in 2000. The first basically governs the federal public sector and the second, which is of special interest to us here today, has to do more with the private sector in all of Canada, except in provinces that have "substantially similar" provincial legislation.

Alberta, British Columbia and Quebec have their own legislation, since the activities of the private sector generally fall under provincial jurisdiction. However, since the Personal Information Protection and Electronic Documents Act gives the federal government the power to invalidate a Quebec law, there is no way that we can support it.

The two federal acts dedicated to protecting personal information duplicate the Quebec legislation that was passed by the National Assembly to allow individuals to decide for themselves with whom they will share their personal information, as well as for what purposes and under what circumstances. In fact, we must always remember that what constitutes an invasion of privacy for one person, is not necessarily an invasion for another. We all know it is very difficult to ensure that our privacy is respected these days.

At the dawn of the 21st century, the globalization of information and transformation of means of communication have taken great leaps forward, thanks to recent technological advances. However, all these advances present just as many threats to human rights, in particular our right to privacy, and our right to control the distribution and use of our personal information.

Governments and corporations have an insatiable thirst for our personal information. The current Conservative government even believes that collecting a huge quantity of personal information will solve issues of national security and public safety. Under the pretext of implementing new anti-terrorist initiatives, it runs roughshod over the issue of privacy.

Need I emphasize that the private sector's appetite for information is just as great?

It wants to know our names, addresses, purchases, interests and preferences in order to classify, analyze, record and use them in marketing studies, marketing approaches, and to come up with marketable goods. The private sector's lust for our personal information is even more disturbing given that most companies that specialize in collecting this information do not adequately protect it. This information becomes vulnerable to hacking and identity theft.



*Business of Supply*

Bill C-29 that we are examining today concerns the Personal Information Protection and Electronic Documents Act, which establishes the rules governing the collection, use and disclosure of personal information in the private sector, but only in the course of commercial activity

As I mentioned at the start of my speech, the Bloc Québécois will not support this bill, which essentially entails new intrusions into an area of Quebec's jurisdiction. The Bloc Québécois has always clearly indicated that it does not support the federal law, which has been in effect since January 2001. Remaining true to itself and to the interests of Quebecers, the Bloc will maintain this position.

• (1725)

[English]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I know my colleague has difficulty with this legislation and has made a very strong case for its intrusion into the jurisdiction of Quebec.

I have a couple of questions for her about how the Quebec legislation deals with some of the issues that are dealt with in Bill C-29, particularly the situation around a material breach. When a material breach of personal information has occurred, what sorts of notification requirements does the legislation in Quebec require?

This is one of the areas where this bill that is before the House today is seen as failing by a number of newspaper commentators and by people who follow the questions of protection of personal information in Canada. The question of what corporations are required to do when personal information has been breached is an important one and maybe she could tell us what the legislation in Quebec requires in those kinds of instances.

[Translation]

**Mrs. Carole Freeman:** Mr. Speaker, in Quebec, we have laws that cover all the provincial jurisdictions. Anything to do with personal information—names, addresses, etc.—is covered by the laws that I mentioned in my speech.

Currently, this jurisdiction is a civil matter and is protected by the Civil Code. The very fact that we are discussing Bill C-29 in the House is inappropriate. This bill encroaches on provincial jurisdictions, and I am shocked that the provinces, like Ontario for example, are not reacting more and are allowing inappropriate laws that intrude into their jurisdictions to be imposed on them like this. I am completely shocked to see that.

However, I am reassured that two other provinces, Alberta and British Columbia, have also implemented legislation similar to what is done federally. To date, when a provincial law exists, the federal government has let the provincial law take precedence, which is why Bill C-29 would not currently be applicable in Quebec, Alberta or British Columbia. Provincial laws govern this data in the private sector.

I would like to thank my colleague for this question, which allowed me to clarify this.

[English]

**Mr. Bill Siksay:** Mr. Speaker, I will try again with another angle because I suspect there are things that we can learn from the

experience of Quebec when it comes to passing legislation in this area and administering that legislation.

I know the member is not supporting Bill C-29 and that she sees it as an intrusion into the jurisdiction of Quebec, but the bill exempts business contact information from the provisions of PIPEDA, which means that any information an organization or business collects, uses or discloses solely for the purposes of communicating or facilitating communication with the individual in relation to their employment, business or profession is exempt.

I am just wondering if there is a similar exemption for business contact information in the Quebec legislation, which is now being contemplated in the bill that we have before us today here in the House.

[Translation]

**Mrs. Carole Freeman:** Mr. Speaker, I have already answered that question. We have similar legislation that covers these exemptions and this information. In any case, the legislation we have in Quebec is valid and is part of our jurisdiction. We provide precisely those protections. In many western countries, Quebec has always been regarded as a leader, an innovator and a model when it comes to its legislation.

This legislation truly comes under provincial jurisdiction. It is ours. It comes under civil law. In Quebec, we have all the bases covered when it comes to personal information.

\* \* \*

• (1730)

[English]

**BUSINESS OF SUPPLY**

## OPPOSITION MOTION—FEDERAL SPENDING POWER

The House resumed from October 21 consideration of the motion.

**The Deputy Speaker:** It being 5:30 p.m., pursuant to an order made on Thursday, October 21, the House will now proceed to the taking of the deferred recorded division on the motion of the hon. member for Longueuil—Pierre-Boucher relating to the business of supply.

Call in the members.

• (1810)

[Translation]

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

(Division No. 103)

**YEAS**

## Members

André  
Bachand  
Bellavance  
Blais  
Bouchard  
Brunelle  
Carrier  
Demers  
Desnoyers  
Duceppe  
Faille

Asselin  
Beaudin  
Bigras  
Bonsant  
Bourgeois  
Cardin  
DeBellefeuille  
Deschamps  
Dorion  
Dufour  
Freeman

*Government Orders*

Gagnon  
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)  
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)  
Laforest  
Lemay  
Lévesque  
Ménard  
Nadeau  
Paillé (Louis-Hébert)  
Plamondon  
St-Cyr  
Vincent — 43

Gaudet  
Les Basques)  
Laframboise  
Lessard  
Malo  
Mourani  
Paillé (Hochelaga)  
Paquette  
Pomerleau  
Thi Lac

Martin (Sault Ste. Marie)  
Mathysen  
McCallum  
McGuinty  
McLeod  
Mendes  
Merrifield  
Minna  
Moore (Fundy Royal)  
Murphy (Moncton—Riverview—Dieppe)  
Murray  
Nicholson  
O'Connor  
Obhrai  
Pacetti  
Patry  
Pearson  
Preston  
Rae  
Raït  
Ratansi  
Regan  
Richards  
Rickford  
Rodriguez  
Russell  
Savoie  
Scarpaleggia  
Schellenberger  
Shipley  
Siksay  
Simms  
Smith  
Stanton  
Storseth  
Sweet  
Thibeault  
Toews  
Trost  
Tweed  
Valeriotte  
Van Loan  
Verner  
Wallace  
Watson  
Sky Country)  
Weston (Saint John)  
Wong  
Wrzesnewskyj  
Young

Masse  
Mayes  
McColeman  
McKay (Scarborough—Guildwood)  
McTeague  
Menzies  
Miller  
Moore (Port Moody—Westwood—Port Coquitlam)  
Mulcair  
Murphy (Charlottetown)  
Neville  
Norlock  
O'Neill-Gordon  
Oliphant  
Paradis  
Payne  
Poilievre  
Proulx  
Rafferty  
Rajotte  
Rathgeber  
Reid  
Richardson  
Ritz  
Rota  
Savage  
Saxton  
Scheer  
Shea  
Shory  
Silva  
Simson  
Sorenson  
Stoffer  
Strahl  
Szabo  
Tilson  
Tonks  
Trudeau  
Uppal  
Van Kesteren  
Vellacott  
Volpe  
Warkentin  
Weston (West Vancouver—Sunshine Coast—Sea to

**NAYS**

## Members

Abbott  
Aglukkaq  
Allen (Welland)  
Allison  
Anders  
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Armstrong  
Ashton  
Bagnell  
Baird  
Benoit  
Blackburn  
Block  
Boughen  
Breitkreuz  
Brown (Leeds—Grenville)  
Brown (Barrie)  
Byrne  
Calandra  
Cannan (Kelowna—Lake Country)  
Cannon (Pontiac)  
Casson  
Chong  
Christopherson  
Clement  
Coderre  
Cotler  
Crowder  
Cummins  
D'Amours  
Davies (Vancouver Kingsway)  
Day  
Del Mastro  
Dewar  
Donnelly  
Dryden  
Duncan (Etobicoke North)  
Dykstra  
Eyking  
Finley  
Fletcher  
Foote  
Galipeau  
Garneau  
Glover  
Goodale  
Gourde  
Grewal  
Hall Findlay  
Hawn  
Hoback  
Holder  
Hughes  
Jean  
Julian  
Kania  
Kenney (Calgary Southeast)  
Kerr  
Kramp (Prince Edward—Hastings)  
Lauzon  
LeBlanc  
Lemieux  
Lobb  
Lumney  
MacKay (Central Nova)  
Malhi  
Marston

Ablonczy  
Albrecht  
Allen (Tobique—Mactaquac)  
Ambrose  
Anderson  
Angus  
Ashfield  
Atamanenko  
Bains  
Bennett  
Bevington  
Blaney  
Boucher  
Braid  
Brisson  
Brown (Newmarket—Aurora)  
Bruinooge  
Cadman  
Calkins  
Cannis  
Carrie  
Charlton  
Chow  
Clarke  
Coady  
Comartin  
Crombie  
Cullen  
Cuzner  
Davidson  
Davies (Vancouver East)  
Dechert  
Devolin  
Dion  
Dreeshen  
Duncan (Vancouver Island North)  
Duncan (Edmonton—Strathcona)  
Easter  
Fast  
Flaherty  
Folco  
Fry  
Gallant  
Généreux  
Godin  
Goodyear  
Gravelle  
Guergis  
Harris (St. John's East)  
Hiebert  
Hoepfner  
Holland  
Hyer  
Jennings  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Keddy (South Shore—St. Margaret's)  
Kent  
Komarnicki  
Lake  
Lebel  
Lee  
Leslie  
Lukowski  
MacAulay  
MacKenzie  
Maloway  
Martin (Esquimalt—Juan de Fuca)

Masse  
Murphy (Charlottetown)  
Neville  
Norlock  
O'Neill-Gordon  
Oliphant  
Paradis  
Payne  
Poilievre  
Proulx  
Rafferty  
Rajotte  
Rathgeber  
Reid  
Richardson  
Ritz  
Rota  
Savage  
Saxton  
Scheer  
Shea  
Shory  
Silva  
Simson  
Sorenson  
Stoffer  
Strahl  
Szabo  
Tilson  
Tonks  
Trudeau  
Uppal  
Van Kesteren  
Vellacott  
Volpe  
Warkentin  
Weston (West Vancouver—Sunshine Coast—Sea to  
Wilfert  
Woodworth  
Yelich  
Zarac — 232

**PAIRED**

## Members

Bezan  
Guay  
Lavallée  
Ouellet  
Goldring  
Lalonde  
Oda  
Warawa — 8

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

\* \* \*

[English]

**CANADA-PANAMA FREE TRADE ACT**

The House resumed consideration of the motion that Bill C-46, An Act to implement the Free Trade Agreement between Canada and the Republic of Panama, the Agreement on the Environment between Canada and the Republic of Panama and the Agreement on Labour Cooperation between Canada and the Republic of Panama, be read the second time and referred to a committee, and of the motion that this question be now put.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the previous question at the second reading stage of Bill C-46.

● (1820)

[Translation]

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

(Division No. 104)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Andrews
Armstrong	Ashfield
Bagnell	Bains
Baird	Bennett
Benoit	Blackburn
Blaney	Block
Boucher	Boughen
Braid	Breitkreuz
Brison	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Byrne
Cadman	Calandra
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Coady
Coderre	Cotler
Crombie	Cummins
Cuzner	D'Amours
Davidson	Day
Dechert	Del Mastro
Devolin	Dion
Dreeshen	Dryden
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Fast
Finley	Flaherty
Fletcher	Folco
Foote	Fry
Galipeau	Gallant
Garneau	Généreux
Glover	Goodale
Goodyear	Gourde
Grewal	Guergis
Hall Findlay	Hawn
Hiebert	Hoback
Hoeppner	Holder
Holland	Jean
Jennings	Kamp (Pitt Meadows—Maple Ridge—Mission)
Kania	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
LeBlanc	Lee
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Martin (Esquimalt—Juan de Fuca)
Mayes	McCallum
McColeman	McGuinty
McKay (Scarborough—Guildwood)	McLeod
McTeague	Mendes
Menzies	Merrifield
Miller	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Neville
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oliphant
Pacetti	Paradis
Patry	Payne

Pearson	Poilievre
Preston	Proulx
Rae	Raïtt
Rajotte	Ratansi
Rathgeber	Regan
Reid	Richards
Richardson	Rickford
Ritz	Rodriguez
Rota	Russell
Savage	Saxton
Scarpaleggia	Scheer
Schellenberger	Shea
Shiple	Shory
Silva	Simms
Simson	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Szabo
Tilson	Toews
Tonks	Trost
Trudeau	Tweed
Uppal	Valeriote
Van Kesteren	Van Loan
Vellacott	Verner
Volpe	Wallace
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Wrzesnewskij
Yelich	Young
Zarac — 199	

Government Orders

NAYS

Members

Allen (Welland)	André
Angus	Ashton
Asselin	Atamanenko
Bachand	Beaudin
Bellavance	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen
Davies (Vancouver Kingsway)	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Donnelly
Dorion	Duceppe
Dufour	Duncan (Edmonton—Strathcona)
Faille	Freeman
Gagnon	Gaudet
Godin	Gravelle
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Harris (St. John's East)	Hughes
Hyer	Julian
Laforest	Laframboise
Lemay	Leslie
Lessard	Lévesque
Malo	Maloway
Marston	Martin (Sault Ste. Marie)
Masse	Mathysen
Ménard	Mourani
Mulcair	Nadeau
Paillé (Hochelega)	Paillé (Louis-Hébert)
Paquette	Plamondon
Pomerleau	Rafferty
Savoie	Siksay
St-Cyr	Stoffer
Thi Lac	Thibeault
Vincent — 77	

PAIRED

Members

Bezan	Goldring
Guay	Lalonde

*Government Orders*

Lavallée  
Ouellet

Oda  
Warawa— 8

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

[English]

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

**Hon. Gordon O'Connor:** Mr. Speaker, if you were to seek it, I believe you would find unanimous consent to apply the vote from the previous motion to the current motion, with the Conservative voting yes.

**The Speaker:** Is there unanimous consent to proceed in this way?

**Some hon. members:** Agreed.

[Translation]

**Mr. Marcel Proulx:** The Liberals will be voting yes.

**Mrs. Claude DeBellefeuille:** The members of the Bloc Québécois will be voting no.

**Mr. Yvon Godin:** The members of the NDP will be voting no.

[English]

**Hon. Helena Guergis:** Mr. Speaker, I will vote yes.

[Translation]

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

*(Division No. 105)*

## YEAS

## Members

Abbott  
Aglukkaq  
Allen (Tobique—Mactaquac)  
Ambrose  
Anderson  
Armstrong  
Bagnell  
Baird  
Benoit  
Blaney  
Boucher  
Braid  
Brisson  
Brown (Newmarket—Aurora)  
Bruinooge  
Cadman  
Calkins  
Cannis  
Carrie  
Chong  
Clement  
Coderre  
Crombie  
Cuzner  
Davidson  
Dechert  
Devolin  
Dreeshen  
Duncan (Vancouver Island North)  
Dykstra  
Eyking  
Finley  
Fletcher  
Foote  
Galipeau  
Garneau  
Glover  
Goodyear  
Grewal

Ablonczy  
Albrecht  
Allison  
Anders  
Andrews  
Ashfield  
Bains  
Bennett  
Blackburn  
Block  
Boughen  
Breitkreuz  
Brown (Leeds—Grenville)  
Brown (Barrie)  
Byrne  
Calandra  
Cannan (Kelowna—Lake Country)  
Cannon (Pontiac)  
Casson  
Clarke  
Coady  
Cotler  
Cummins  
D'Amours  
Day  
Del Mastro  
Dion  
Dryden  
Duncan (Etobicoke North)  
Easter  
Fast  
Flaherty  
Folco  
Fry  
Gallant  
Généreux  
Goodale  
Gourde  
Guergis

Hall Findlay  
Hiebert  
Hoepfner  
Holland  
Jennings  
Kania  
Kenney (Calgary Southeast)  
Kerr  
Kramp (Prince Edward—Hastings)  
Lauzon  
LeBlanc  
Lemieux  
Lukiwski  
Lunney  
MacKay (Central Nova)  
Malhi  
Mayes  
McColeman  
McKay (Scarborough—Guildwood)  
McTeague  
Menzies  
Miller  
Moore (Port Moody—Westwood—Port Coquitlam)  
Moore (Fundy Royal)  
Murphy (Moncton—Riverview—Dieppe)  
Murray  
Nicholson  
O'Connor  
Obhrai  
Pacetti  
Patry  
Pearson  
Preston  
Rae  
Rajotte  
Rathgeber  
Reid  
Richardson  
Ritz  
Rota  
Savage  
Scarpaleggia  
Schellenberger  
Shiple  
Silva  
Simson  
Sorenson  
Storseth  
Sweet  
Tilson  
Tonks  
Trudeau  
Uppal  
Van Kesteren  
Vellacott  
Volpe  
Warkentin  
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)  
Weston (Saint John)  
Wilfert  
Woodworth  
Yelich  
Zarac — 199

Hawn  
Hoback  
Holder  
Jean  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Keddy (South Shore—St. Margaret's)  
Kent  
Komarnicki  
Lake  
Lebel  
Lee  
Lobb  
Lunn  
MacAulay  
MacKenzie  
Martin (Esquimalt—Juan de Fuca)  
McCallum  
McGuinity  
McLeod  
Mendes  
Merrifield  
Minna  
Murphy (Charlottetown)  
Neville  
Norlock  
O'Neill-Gordon  
Oliphant  
Paradis  
Payne  
Poilievre  
Proulx  
Raitt  
Ratansi  
Regan  
Richards  
Rickford  
Rodriguez  
Russell  
Saxton  
Scheer  
Shea  
Shory  
Simms  
Smith  
Stanton  
Strahl  
Szabo  
Toews  
Trost  
Tweed  
Valériote  
Van Loan  
Verner  
Wallace  
Watson  
Wong  
Wrzesnewskyj  
Young

## NAYS

## Members

Allen (Welland)  
Angus  
Asselin  
Bachand  
Bellavance  
Bigras  
Bonsant  
Bourgeois  
Cardin  
Charlton  
Christopherson  
Crowder  
Davies (Vancouver Kingsway)  
DeBellefeuille  
Deschamps  
Dewar  
André  
Ashton  
Atamanenko  
Beaudin  
Bevington  
Blais  
Bouchard  
Brunelle  
Carrier  
Chow  
Comartin  
Cullen  
Davies (Vancouver East)  
Demers  
Desnoyers  
Donnelly

*Government Orders*

Dorion	Duceppe
Dufour	Duncan (Edmonton—Strathcona)
Faillie	Freeman
Gagnon	Gaudet
Godin	Gravelle
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Harris (St. John's East)	Hughes
Hyer	Julian
Laforest	Laframboise
Lemay	Leslie
Lessard	Lévesque
Malo	Maloway
Marston	Martin (Sault Ste. Marie)
Masse	Mathysen
Ménard	Mourani
Mulcair	Nadeau
Paillé (Hochelaga)	Paillé (Louis-Hébert)
Paquette	Plamondon
Pomerleau	Rafferty
Savoie	Siksay
St-Cyr	Stoffer
Thi Lac	Thibeault
Vincent— 77	

**PAIRED**

Members

Bezan	Goldring
Guay	Lalonde
Lavallée	Oda
Ouellet	Warawa— 8

**The Speaker:** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on International Trade.

(Bill read the second time and referred to a committee)

\* \* \*

**STRENGTHENING AVIATION SECURITY ACT**

The House resumed consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the second time and referred to a committee.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division at second reading of Bill C-42.

[*English*]

**Hon. Gordon O'Connor:** Mr. Speaker, if you were to seek it, I believe you would find unanimous consent to apply the vote from the previous motion to the current motion, with the Conservatives voting yes.

**The Speaker:** Is there unanimous consent to proceed in this way?

**Some hon. members:** Agreed.

[*Translation*]

**Mr. Marcel Proulx:** The Liberal members will be voting yes.

**Mrs. Claude DeBellefeuille:** The members of the Bloc Québécois will be voting yes, except for the member for Chicoutimi—Le Fjord.

[*English*]

**Mr. Yvon Godin:** Mr. Speaker, the NDP is voting no to this motion.

**Hon. Helena Guergis:** Mr. Speaker, I will vote in support of this motion.

● (1825)

[*Translation*]

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

(*Division No. 106*)

**YEAS**

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	André
Andrews	Armstrong
Ashfield	Asselin
Bachand	Bagnell
Bains	Baird
Beaudin	Bellavance
Bennett	Benoit
Bigras	Blackburn
Blais	Blaney
Block	Bonsant
Boucher	Boughen
Bourgeois	Braid
Breitkreuz	Brison
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Brunelle	Byrne
Cadman	Calandra
Calkins	Cannan (Kelowna—Lake Country)
Cannis	Cannon (Pontiac)
Cardin	Carrie
Carrier	Casson
Chong	Clarke
Clement	Coady
Coderre	Cotler
Crombie	Cummins
Cuzner	D'Amours
Davidson	Day
DeBellefeuille	Dechert
Del Mastro	Demers
Deschamps	Desnoyers
Devolin	Dion
Dorion	Dreeshen
Dryden	Duceppe
Dufour	Duncan (Vancouver Island North)
Duncan (Etobicoke North)	Dykstra
Easter	Eyking
Faillie	Fast
Finley	Flaherty
Fletcher	Folco
Foote	Freeman
Fry	Gagnon
Galipeau	Gallant
Garneau	Gaudet
Généreux	Glover
Goodale	Goodyear
Gourde	Grewal
Guergis	Guimond (Rimouski-Neigette—Témiscouata—Les Basques)
Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Hiebert
Hawn	Hoepfner
Hoback	Holland
Holder	Jennings
Jean	Kania
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kenney (Calgary Southeast)
Keddy (South Shore—St. Margaret's)	Kerr
Kent	Kramp (Prince Edward—Hastings)
Komarnicki	Laframboise
Laforest	Lauzon
Lake	LeBlanc
Lebel	Lemay
Lee	Lessard
Lemieux	Lobb
Lévesque	Lunn
Lukiwski	MacAulay
Lunney	

*Private Members' Business*

MacKay (Central Nova)	MacKenzie
Malhi	Malo
Martin (Esquimalt—Juan de Fuca)	Mayes
McCallum	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McLeod	McTeague
Ménard	Mendes
Menzies	Merrifield
Miller	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Mourani	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Nadeau	Neville
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oliphant
Pacetti	Paillé (Hochelaga)
Paillé (Louis-Hébert)	Paquette
Paradis	Patry
Payne	Pearson
Plamondon	Poilievre
Pomerleau	Preston
Proulx	Rae
Raitt	Rajotte
Ratansi	Rathgeber
Regan	Reid
Richards	Richardson
Rickford	Ritz
Rodriguez	Rota
Russell	Savage
Saxton	Scarpaleggia
Scheer	Schellenberger
Shea	Shiplay
Shory	Silva
Simms	Simson
Smith	Sorenson
St-Cyr	Stanton
Storseth	Strahl
Sweet	Szabo
Thi Lac	Tilson
Toews	Tonks
Trost	Trudeau
Tweed	Uppal
Valeriotte	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Völpe	Wallace
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Wrzesnewskyj
Yelich	Young
Zarac— 241	

Lavallée	Oda
Ouellet	Warawa— 8

**The Speaker:** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Transport, Infrastructure and Communities.

(Bill read the second time and referred to a committee)

[English]

**The Speaker:** It being 6:25 p.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[English]

### CORPORATE ACCOUNTABILITY OF MINING, OIL AND GAS CORPORATIONS IN DEVELOPING COUNTRIES ACT

The House resumed from September 20 consideration of Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries, as reported without amendment from the committee, and of the motions in Group No. 1.

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, I am rising today to speak in strong opposition to Bill C-300.

Bill C-300 is entitled “An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries”. Without actually looking at the content and implications of the bill, in other words, just looking at the substance of the bill, it sounds good. It has good optics. It is laudable. We all support corporate social responsibility. Every Canadian wants to see our companies follow the highest standards when it comes to the environment and human rights, especially if the company is representing Canada abroad.

My past is rooted in the mining culture in Cape Breton, and I believe this country's future truly depends upon prosperity in the great resources we have, especially in the north. I strongly support CSR, or corporate social responsibility, but the substance of the bill will not help the issue of corporate social responsibility.

Bill C-300 is more than just a nice title, and as parliamentarians, we are called to carefully consider the implication of legislation. So I implore parliamentarians that we cannot vote in favour of the bill simply because we agree with the title of the bill. We need to look at the text. We need to look at the implications of the bill. We need to consider the substance of the bill and we need to listen to experts if they warn us about the shortcomings in the legislation.

The member for Scarborough—Guildwood is attempting to create an international political circus around his bill. His witnesses are well meaning and they all speak in favour of the optics of corporate social responsibility in general, but he refuses to address the specific concerns that have been raised on the substance of the legislation.

## NAYS

### Members

Allen (Welland)	Angus
Ashton	Atamanenko
Bevington	Charlton
Chow	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Dewar
Donnelly	Duncan (Edmonton—Strathcona)
Godin	Gravelle
Harris (St. John's East)	Hughes
Hyer	Julian
Leslie	Maloway
Marston	Martin (Sault Ste. Marie)
Masse	Mathyssen
Mulcair	Rafferty
Savoie	Siksay
Stoffer	Thibeault— 34

## PAIRED

### Members

Bezan	Goldring
Guay	Lalonde

*Private Members' Business*

Also heard as witnesses in opposition to the substance of the bill are Canadians with expertise in the area: Export Development Canada, the Canadian Chamber of Commerce, the Canadian Council of Chief Executives, the Canadian Bar Association and the entire mining industry.

All these people, all these groups, believe in corporate social responsibility, but the bill is a clear example of throwing the baby out with the bathwater. It is imperative to give context to the mining, the oil and the gas sectors in Canada, because it is so important. Canada's extractive industries have been, continue to be, and will be a hugely important factor in Canada's economic growth and its recovery.

Domestically, we have the vast resources of the north and we have responsible people there who will develop it. Internationally, we are a world leader in exploration and mining. In fact, Canada is home to over three-quarters of the world's exploration and mining companies. We lead the world. We are respected. Indeed, we are revered, and this is a crucial sector of the Canadian economy. In substance, Bill C-300 guts our competitiveness for this crucial sector and it is done all for optics.

I will speak to two reasons that Bill C-300 should be defeated here in this chamber. One, essentially and fundamentally it is a badly drafted piece of legislation and it has extremely poor implementation mechanisms. Two, it has a very politicized complaints process, and that is the one I will focus on right now.

One witness testified before the committee that all it takes is one person writing a single letter to initiate a ministerial investigation, which puts a political official as the police in charge of the investigation, as the judge weighing the evidence, as the jury making the decision and maybe even the executioner in meting out the punishment.

When the National Roundtable on Corporate Social Responsibility came forward with recommendations on this issue of implementation and on the issue of a complaints process, it was adamant that the complaints mechanism must be independent. So the government responded by establishing the independent Canadian corporate social responsibility counsellor, who was appointed in October of last year and whose mandate is to review corporate social responsibility practices of Canadian companies that are operating outside of Canada.

• (1830)

Dr. Marketa Evans is available to receive complaints regarding the conduct of Canadian companies, and in contrast to what Bill C-300 proposes, Dr. Evans is at arm's length from political interference.

While the author of Bill C-300 claims that his bill would increase accountability for corporate social responsibility, the complaints process that he is actually proposing is a partisan political mechanism that is fraught with difficulties associated with ministerial investigation in a foreign jurisdiction, when Canada already has in place an independent process.

The fact that it is a political complaint process is a major red flag, but the problems with Bill C-300 continue.

The complaints process itself in the bill is irresponsible because it would offer no protection for responsible Canadian companies that are faced with false allegations. I will say it is completely disingenuous to suggest that there is no risk of false claims and I will tell members why.

CIBC has indicated that it believes that Canadian mining companies deal with thousands of stakeholders on an ongoing basis across almost 10,000 different projects in 100 countries. It is more likely that several thousand complaints would happen per year.

Throughout the world, there are offices that investigate allegations of corporate abuse. The World Bank's investigator throws out countless false allegations every year.

However, Bill C-300 has no filter for false allegations. As soon as an allegation is received, the bill would require that the allegation be made public and for a Canadian minister of the Crown to investigate the allegation in a foreign jurisdiction. During the investigation, until the cabinet minister concludes that the claim was actually false, the claim would have undeserved credibility and could damage the international reputation of our responsible companies.

However, under international complaint mechanisms and in the current Canadian system, false claims are filtered and the reputations of responsible companies are not attacked.

In Bill C-300, this issue is so obvious that even several prominent Liberals have put partisan politics aside to voice concern about this bill, stating that foreign governments could end up withholding or actually taking away permits from Canadian firms, citing the minister's ongoing investigations of allegations, investigations that ultimately conclude that the allegation was completely false but still render the permit being taken away.

Both Jim Peterson and Raymond Chrétien provided expert testimony against this bill.

One of the facts about Canadian mining companies that I am very proud of and that I have been witness to is their track record on cleaning up mines they have bought from other companies. I am talking about mines that were owned by people who did not respect the environment, abused local populations, did not hold to the same high standards as Canadian companies and were dangerous.

Currently, Canadian companies are able to purchase these mines, and in the process they bring Canadian principles of labour safety, environment protection and human rights to the local community. There are countless examples of Canadian companies doing that around the world. I was very lucky to be able to witness this firsthand in South America, travelling and speaking with both local officials and union groups who assured me that Canadian investment and Canadian leadership is hugely important.

If Bill C-300 passes, many of these Canadian companies would have to think twice about investing in countries like this. We cannot jeopardize our Canadian extractive sector and allow them to shy away from investing in a particular region because of the potential for false allegations.

This bill ignores Canada's current system on corporate social responsibility and our great work on labour co-operation agreements.

*Private Members' Business*

In conclusion, there is a big difference between supporting the optics of the bill and supporting the substance of the bill. The optics of the bill try to make things look good and the author claims it would force Canadian companies to follow acceptable rules and standards.

I would say that respecting our mining sector and the work it does in the world and support for the sector as we come out of this economic recession means that we vote against Bill C-300, because I can tell members that, as was said by the CIBC, I believe the only remedy that responds to the passage of Bill C-300 is for companies in mining and oil and gas to relocate to any other jurisdiction in the world so that they can remain competitive.

● (1835)

[Translation]

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, the Bloc Québécois supports Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries, in principle.

The issue of social and environmental responsibility for Canadian companies abroad, particularly Canadian mining companies, has long been a concern for the Bloc Québécois. Canada is a world leader in the mining industry. It has a huge presence in Africa, where most companies are Canadian or American and are incorporated in Canada or listed on Canadian stock exchanges.

For some years now, a number of Canadian mining companies have been directly or indirectly associated with forced population displacements, significant environmental damage, support to repressive regimes, serious human rights violations and sometimes even assassinations.

That is why the Bloc Québécois has always defended the need to impose social responsibility standards on companies operating abroad. But the federal government has always defended the laissez-faire principle, preferring a voluntary approach.

We have always supported the recommendations in the report of the advisory group to the National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries. These recommendations were unanimously supported by civil society and the extractive industry.

While Bill C-300 is a step in the right direction, we believe it has flaws in terms of what the national roundtables advisory group recommended. For example, Bill C-300 does not provide any clear, independent and transparent mechanisms to ensure accountability or to monitor Canadian companies' compliance with accountability standards.

In *Noir Canada: Pillage, corruption et criminalité en Afrique*, a book about Canada's involvement in plundering, corruption and crime in Africa published by Les Éditions Écosociété in 2008, Delphine Abadie, Alain Deneault and William Sacher provided the following analysis of Bill C-300.

First, the bill does not take the Canadian International Development Agency's policies and activities into account.

Second, it does not take Export Development Canada's lack of transparency into account.

Third, it does not take into account instances of political interference attributed, in some cases, to Canadian diplomacy in southern countries on behalf of Canadian mining interests.

Fourth, it does not take into account the harmful role of the Toronto Stock Exchange in the appreciation of mining claims often obtained under suspicious circumstances in southern countries.

Fifth, it does not say whether and under what conditions Canadian companies can or could be prosecuted civilly or criminally in Canada for injurious actions attributed to them abroad.

Sixth, it does not provide for an independent body to receive complaints from foreign nationals, leaving it rather to the minister.

Seventh, it does not provide a process to evaluate the damages to populations outside Canada and consider implementing redress programs.

Eighth, it totally ignores the numerous cases of abuse by Canadian companies already recorded in many credible documents. I am thinking of expert reports from the United Nations, parliamentary reports, conferences held in parliamentary precincts, reports from independent organizations like Amnesty International and Global Witness, comprehensive investigative reporting, compelling documentaries and assessments by recognized experts.

Here are some representative cases cited in *Noir Canada* with respect to Canadian mining companies' detrimental activities in Africa. The first example is from Bulyanhulu, Tanzania. In the summer of 1996, bulldozers and the national police force were used to expropriate several hundred small-scale miners and clear the way for Canada's Sutton Mining to exploit the area.

● (1840)

Fifty-two people were buried alive in that operation. Sutton Mining was then bought by another Canadian company, Barrick Gold. Canada's diplomatic service was actively involved in the affair; allegations of interference are well founded. The Government of Norway, the Lawyer's Environmental Action Team, Friends of the Earth, Rights & Democracy, Mining Watch and master's student Dennis Tessier have all stated publicly that these allegations are credible and alarming.

The second example is Banro, a company that helped kindle the bloody conflict in the African Great Lakes region in eastern Congo between 1997 and 2002. Millions died in that conflict, and untold distress was inflicted on the people in the form of systematic rape, recruitment of child soldiers and destruction of villages.

The third example has to do with Diama-Manantali and Sadiola. CIDA steadfastly supported dam construction projects that profited Canadian engineering firms. These dams, which have had a catastrophic impact on the people—think of floods, loss of arable land, ecosystem destruction, disease, social tension and so on—allowed lamGold to turn a 38% profit on operating an open pit mine in Sadiola, another project with a disastrous impact on the people.



*Private Members' Business*

The fourth example is the Talisman corporation, which had to leave Sudan after, according to several sources, it apparently ordered the Sudanese army to violently remove any civilian presence in the vicinity of its development site. This passage from *Noir Canada* shows that Talisman was pressured to leave Sudan because it was listed on the New York stock exchange, not just the Toronto exchange.

Another book that has been written on this topic is *Not on Our Watch: The Mission to End Genocide in Darfur and Beyond* by Don Cheadle and John Prendergast, published by Hyperion in 2007. On page 62 is a paragraph that reads:

The Sudanese regime, supported by Canadian, Malaysian and Chinese oil companies, was able to wipe out whole populations in south-central Sudan, leaving the way clear for the oil companies to start pumping the oil.

This information is supported by a memo from the International Crisis Group, Human Rights Watch and Amnesty International. The book I quoted from has an introduction written by none other than Barack Obama, who was then a U.S. senator, and a preface by Elie Wiesel.

Bill C-300 is a step in the right direction. But to put an end to injustices by Canadian and foreign mining, gas and oil companies, we must make sure that they fully respect human rights and environmental rights, without exception.

This bill seeks to ensure that Canadian extractive corporations act responsibly and comply with international human rights and environmental standards.

How can anyone be opposed to that?

The Department of Foreign Affairs is responsible for preparing guidelines on best practices. These standards are based on recognized documents, including the Universal Declaration of Human Rights.

It is in this spirit that the Bloc Québécois is supporting Bill C-300, and I sincerely hope that all of the members in the House will support it. It is definitely humanistic and targets real issues concerning crooked mining companies that do not respect human rights.

• (1845)

[English]

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I rise to speak once again to Bill C-300 and to lay out some of my concerns with respect to this legislation. I note that the Minister of Labour also put down markers on her concerns.

It is important for people to understand that Bill C-300 would do no more and no less than provide fair play for Canadian companies functioning abroad. It would not undermine the opportunities for mining companies abroad. Witnesses at committee have told us time and again that this was exactly the way to go to ensure that not only Canadian companies have opportunities abroad but that Canadians in general can be proud of the business those companies are doing abroad.

More than a majority of Canadian companies already employ the criteria set out in this legislation. Representatives from Canadian

companies told us at committee that they were already onboard with these practices.

If the equator principles on corporate social responsibility, which are well known around the world, are being practised by Canadian companies and are already in play with the EDC, why is there opposition to this fairly straightforward proposition? I believe some of it has to do with misinformation but perhaps some people do not want the government to oversee regulation in the game.

It is important to understand how we arrived here. My predecessor for Ottawa Centre, Ed Broadbent, went through a process to ensure that all voices would be heard on this important file and pushed for the round table on extractive industries, a process, by the way, that has not been repeated but should be.

Members on that round table heard from industry and civil society and they came up with recommendations that were agreed to by both sides. One of the recommendations was that an independent ombudsperson would be appointed by government to oversee Canadian extractive mining industries abroad. The ombudsperson would have the ability to investigate and oversee mining operations and, if need be, to not only follow the criteria that I mentioned in terms of the equator principles, but to ensure that if there were any concerns some sort of remedy would be available. For example, if we had a Canadian mining company that was abusing environmental or human rights standards, the ombudsman would be able to do something. That was agreed to.

The sad part of this is that the government took more than a year and a half to respond to the recommendations. It came up with a counsellor but her hands are tied should any complaint come forward. She can only investigate a complaint if both parties agree to an investigation and, of course we know what that means. If one party decides it does not want an investigation to go forward then it will not.

If members look at Bill C-300, they will see that it supports the round table. Many people are concerned that there will not be sufficient time for companies to respond. I will go over the amendments that we will be voting on tomorrow.

We will ensure that vexatious or frivolous complaints will be tossed out. A company will have time to put its concerns forward and there will be a lengthy time period for the investigation. If there is cause for concern under the equator principles and other principles agreed to by the company, then the company, by way of engagement with the minister, as it is written in the bill, would have time to respond to ensure there is no wrongdoing.

• (1850)

Having those safety valves, throwing out frivolous vexatious claims, making sure that there is a thorough investigation, making sure that Canadian companies have an opportunity to respond is fair play. That is what we will be voting on tomorrow night. The question is, do we want to raise the standard of Canadian companies, yes or no?

*Private Members' Business*

I should also note that a recent report by the industry itself has pointed to the problem. The mining companies are the ones who commissioned the report. It says that Canada, among countries like Australia, India, U.K., South Africa, the U.S. and Indonesia, has the most claims against the industry. We are by far the leader in terms of claims of incidents that have been filed.

That says that the industry itself, having commissioned this report and having the data, understands the importance of dealing with corporate social responsibility. The report lays out the type of infractions by Canadian companies. It clearly underlines the need for action.

The mining companies say that they wish the government had come forward with the ombudsperson, with independence and having more ambit around investigation and remedy.

What is important to note in this report is what is said in terms of CSR as an idea. The report says very clearly that mining and exploration firms operating in Canada thrive while working under arguably more rigorous CSR and regulation paradigms when compared to other sister operations in the developing world. The success of mining companies in Canada happens even as companies are faced with a divergent cultural context while working alongside indigenous communities that are often marginalized.

Our companies can do this. They are up to the job. Our job is to make sure we support them by having a level playing field. That is exactly what Bill C-300 would do.

Those who say it would inhibit investment obviously have not read the bill and considered the amendments. The Export Development Corporation supports Canadian industries abroad. It is very active abroad and it is not true to say that it would not be able to do its work if Bill C-300 is passed. In the past it has involved itself with the voluntary principles and the equator principles. It is the one that is saying it is involved in this.

We need to say to EDC that not only should it have this in its own portfolio, but Parliament and government have a role to make sure it regulates. Why? EDC is a crown corporation. It is not up to someone else to regulate it. It is our job here.

If Canadian companies are not able to follow the principles that other Canadian companies are following and after the rigorous oversight that I mentioned they are found to be in violation, then EDC would not be able to support them. No companies have an absolute right to EDC money. It is something that companies have to apply for and standards need to be enforced. That is exactly what Bill C-300 would do.

That is why we will be supporting the bill, as amended, tomorrow night.

•(1855)

**Ms. Martha Hall Findlay (Willowdale, Lib.):** Mr. Speaker, I rise to speak to Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries.

We in the Liberal Party completely agree with the intentions behind Bill C-300. We are 100% behind improving the corporate social responsibility of Canadian mining companies in developing countries. In this regard, all members of the Liberal Party agree

completely. Indeed, I commend my colleague from Scarborough—Guildwood for being so concerned when the Conservative government has done so little.

In 2005, a decision was made under a Liberal government to move forward on the issue of CSR among Canadian mining companies. Throughout 2006, extensive all-stakeholder round tables were conducted. These included non-governmental organizations, civil society organizations, mining and oil companies, labour, governments and individuals. It was an extraordinary process and very unusual in the progress achieved with so many different participants.

There were 156 oral presentations and 104 written submissions. Of these, 61 were from civil society organizations, 33 were from industry, 15 were from labour organizations, 31 were from academics and research institutes, and 16 were from members of the public without a stated affiliation.

This extraordinary process resulted in a 2007 report which was roundly approved and supported. It was the product of many people who might have had opposing views, but who came together exhibiting a will to compromise and to find constructive consensus. The 2007 report included several strong and very positive recommendations for the improvement of CSR among Canadian mining companies working in developing countries.

However, the Conservative government did nothing for two years. Only recently did the Conservatives come up with a much watered down plan, a plan with no teeth. They are pretending to do something when not doing anything at all.

Bill C-300 tries to address these concerns. We Liberals all agree completely on the end goal even though we may have some disagreements on how best to reach that goal. In that regard, I am pleased to have the opportunity to rise in this House to do exactly what we are supposed to do, engage in debate.

All too often we let party lines dictate what any one of us now says in the House. It has become entirely predictable. Not everyone agrees on everything all the time, not even everyone in the same party. The ability to disagree or to have different opinions is, and should be, a fundamental part of democracy. I am proud to be a member of a party, the Liberal Party, that not only allows debate but recognizes its importance.

Bill C-300 creates some challenges. The bill's proponent himself has acknowledged that it is flawed due to the limitations on what a private member's bill can do. As a result, there is legitimate debate about whether Bill C-300, if passed, would in fact accomplish what it is intended to accomplish, or whether there may be unintended, perhaps even negative, consequences.

Indeed, one of the concerns is whether passage of Bill C-300 might make it more difficult for a Liberal government to implement an even tougher regime further to the 2007 report to ensure greater CSR, but it is important that people be able to engage in this kind of debate with respect and civility. It is one of the reasons why I am a Liberal. We are able to debate and indeed sometimes disagree.

*Private Members' Business*

The 2007 report sets out some very tough recommendations, including strict and clear guidelines on the level of CSR expected of Canadian mining companies operating in developing countries, a robust complaint and review mechanism, the creation of an ombudsperson with tough responsibilities, and significant funding to help developing countries build their own capacity to create and enforce locally CSR standards and regulations.

We are all frustrated that the Conservative government ignored the 2007 report for two years and then only just recently implemented a much watered down approach.

The Liberals are united in strongly supporting implementation of a regime based on the full 2007 report as the best way to achieve the highest levels of CSR among Canadian mining companies operating in developing countries, something the Conservative government has failed to do.

[*Translation*]

I rise today to speak to Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries.

• (1900)

First, I would like to say that we in the Liberal Party completely agree with the intentions behind Bill C-300. We are 100% behind improving the corporate social responsibility of Canadian mining companies in developing countries. In this regard, all members of the Liberal Party agree completely. Indeed, I commend my colleague from Scarborough—Guildwood for being so concerned when the Conservative government has done so little.

In 2005, a decision was made under a Liberal government to move forward on the issue of CSR among Canadian mining companies. Throughout 2006, extensive, all-stakeholder round tables were conducted. These included non-governmental organizations, civil society organizations, mining and oil companies, labour unions, governments and individuals.

This process is an excellent example of a situation in which all of the stakeholders came together to find a solution to a fundamental problem. The 2007 report that came out of these consultations was roundly approved and supported. It included several strong and very positive recommendations for the improvement of CSR among Canadian mining companies working in developing countries.

Unfortunately, the Conservative government did absolutely nothing. Two years after the report was released, the Conservatives chickened out and in the end implemented a watered-down solution.

Even though Bill C-300 is not perfect, it aims to improve the situation. We in the Liberal Party fully support the end goal, although we may have some disagreements on how best to reach that goal.

As I already said, I am pleased to have the opportunity to rise here in the House to do exactly what we are supposed to do: debate the issue. Having the opportunity to express disagreement and different opinions is, and should be, a fundamental part of democracy. Once again, I am proud to be a member of a party, the Liberal Party, that not only allows debate but recognizes its importance.

Bill C-300 does create some challenges, I admit. Even the bill's sponsor has acknowledged that it is flawed because of the limitations on what a private member's bill can do. As a result, there is legitimate debate about whether Bill C-300, if passed, will in fact accomplish what it is intended to accomplish or whether there may be unintended, perhaps even negative, consequences. As I said, there are fears about whether passage of Bill C-300 might make it more difficult for a Liberal government to implement an even tougher regime to make corporations even more accountable. It is important to be able to engage in this kind of debate with respect and civility.

The 2007 report sets out some very tough recommendations. We are all frustrated that the Conservative government ignored the report for two years and only recently implemented a much watered-down version.

Once again, the Liberal Party is united in strongly supporting the implementation of a regime based on the full 2007 report as the best way to achieve the highest levels of CSR among Canadian mining companies operating in developing countries, something the Conservative government refuses to do.

• (1905)

[*English*]

**Hon. Peter Van Loan (Minister of International Trade, CPC):**

Mr. Speaker, I am pleased to have the opportunity today to discuss Liberal Bill C-300 and address the risks it poses to Canadian jobs: jobs for Canadians in mining companies, jobs for Canadians in related equipment and other manufacturing sectors, jobs for Canadians in our financial markets that serve the mining industry and, of course, the surrounding legal community.

Canada has proven itself to be a global leader in encouraging and supporting its companies to operate abroad in a socially and environmentally responsible manner. This bill, however, threatens that traditional leadership by Canadian companies and in the process threatens jobs.

This bill, in effect, would create additional regulatory burdens, additional hurdles, additional red tape. It would tie up good Canadian corporate citizens who conduct themselves well with time, money and efforts defending themselves against frivolous and vexatious claims with little basis. In the process it would put Canadian mining companies on a very uneven playing field against mining companies elsewhere.

In understanding the mining sector it is important to appreciate this one thing. For most mining companies there is really no reason to be headquartered in Canada other than the considerable expertise that has grown up around our markets that finance and support that industry. They are highly portable. Very few of those mines are still located in Canada. These mining companies are engaged in efforts all around the world and, therefore, could just as easily shift those jobs, shift their headquarters, shift all the associated economic activity with literally billions and billions of dollars to other countries, to other markets.

*Private Members' Business*

This would cost us jobs here in Canada. It would cause the lawyers, articling students and staff that support them to lose their jobs, which are considerable numbers in the mining sector. It would cost those in the financial sectors that provide the investment and capital for them to undertake their projects, the Toronto Stock Exchange of course being a focus of the efforts to raise finance to support investment activity, as well as the entire Toronto area that has grown up around it in the financial sector. Of course, it would cost the mining companies and equipment sectors themselves. That is the risk of this bill.

It is a bill that stands to kill jobs, kill economic activity and, in fact, kill the revenues that go to government through taxes as a result of all that economic activity. Not only would that leave us in a position where we would be less able to provide social services and the other things government must do with the tax revenue we receive but also it would increase needs as Canadians would be facing a more challenging environment with fewer jobs and fewer economic opportunities.

The fact is that Canadian mining companies are overwhelmingly good corporate citizens, model leaders that we can be very proud of. We can be proud of the fact that Canadian mining companies have moved into a position of global leadership. They are regarded as a focus of talent and also a focus of good corporate citizenship.

It is easy to look for recent examples. I was in Chile on day 17, following the mining accident in which the miners were trapped underground. On day 17 when the sun rose, there was not very much hope left for those miners. For two and a half weeks, efforts to try to reach them had been without success.

It was not a Canadian mine that was involved, but Canadian mining and equipment companies were already there as good corporate citizens doing their bit to help. They were providing airlift for the families of trapped miners. They were generating support. They were providing satellite communications equipment that was necessary in that remote area, and of course, they were providing some of the critical drilling equipment that was necessary in the effort to try to reach the miners.

On the day I was there, halfway through the day the news broke that a note had been brought to the surface that indicated they were there, all 33 alive. It was an exciting time to be there. Everyone I talked to was exuberant. The nation rallied around, and hope sprung that a miraculous rescue could occur, which ultimately did, a miraculous rescue that occurred with the help of Canadian companies that were good corporate citizens, that did so because it was the right thing to do and showed the kind of leadership Canadian companies always have. They were the same kind of Canadian companies that are targeted by this legislation with the suggestion that somehow they are bad corporate citizens.

● (1910)

We know that story ended well. It was a triumph of the human spirit, a triumph of technology and something I think all Canadians can be proud of, that our mining companies played a part in delivering a successful ultimate outcome.

That is the kind of story that we might not have if a bill like Bill C-300 became law, because those would not be Canadian mining

companies anymore. They would be Australian mining companies or Chilean mining companies or Brazilian mining companies. They would not be here anymore, the jobs would not be here anymore, the prosperity would not be here anymore and we would not be able to be proud of having played a role.

As I travel this world, I can tell members I get the same stories again and again. I do not get complaints about the bad conduct of Canadian mining companies. I hear the stories about what good corporate citizens they have been, in terms of providing for the communities they are in, not just in jobs, not just in good respect for the environment, but also in providing critical social services that remote communities would never have in some of these developing countries, schools, clinics for health care, doctors and high-quality housing, things that otherwise simply would not be there. They do it because it is the right thing to do. It makes sense and, if they want to have successful mining operations, it is just the right thing for them to do and a logical thing for them to do.

I would like to draw members' attention to the fact that Canada already has a number of existing mechanisms that serve to help our companies function as good corporate citizens. These mechanisms enhance the positive reputation and global competitiveness of Canadian companies, including those that are in the extractive sectors. They also provide a means to address any issues that may arise.

Our Conservative government has initiated a four-point corporate social responsibility strategy, something that I might point out did not exist at the time when the hon. Liberal member who is sponsoring the bill was in government. There was no such policy in place. We now have one in place.

I will now outline the four points of it and elaborate on each one of them.

First, we appointed Dr. Marketa Evans as a corporate social responsibility counsellor.

Second, we established a new independent centre of excellence.

Third, we provide assistance to foreign governments to develop their capacity to manage natural resource development in a sustainable and responsible manner.

Fourth, we continue to promote internationally recognized corporate social responsibility performance and reporting guidelines.

I would like to remind the members of this House that the Government of Canada has further reinforced its commitment to good corporate citizenship through building the Canadian advantage.

● (1915)

[*Translation*]

This strategy, based on broad consultations, was developed to promote best practices among Canadian companies operating abroad and to build capacity in developing countries.

*Private Members' Business*

[English]

Working through the Canadian International Development Agency, the first pillar of the strategy is the continued support of initiatives to enhance the capacities of developing countries to manage the development of minerals and oil and gas, and to use those resources to the benefit of those countries to help reduce poverty. Countries like Libya and Peru, for example, have benefited from such policies.

The second pillar under our government's strategy is our continued commitment to internationally recognized standards and performance guidelines, standards of good corporate citizenship, standards we can all be proud of.

Building on Canada's adherence to the Organisation for Economic Co-operation and Development guidelines for multinational enterprises, the Canadian government promotes the following important frameworks: the International Finance Corporation performance standards on social and environmental sustainability; the voluntary principles on security and human rights, a set of guidelines for projects that involve private and public security forces, and Canada is a full member of the voluntary principles with a seat on the steering committee; and, finally, the global reporting initiative, which is a mechanism to enhance transparency and encourage market-based incentives. Of course, there are the additional pillars I spoke of earlier of the corporate social responsibility counsellor and the centre of excellence.

The bottom line is that Canadian companies have been performing well. We have the mechanisms in place to ensure they perform well, whether it be the Export Development Corporation applying corporate social responsibility standards when it makes decisions on loans, or the voluntary principles that the sector itself has been practising.

The key is that if the bill were to pass, we would not have an opportunity to see those things develop. We would likely see the evaporation of one of the areas in which Canada has been leading the world economically, in which we create jobs and prosperity for literally thousands of Canadians. That is too great a risk to consider at this time. It is too great a risk to consider at any time, for the sake of Canadian workers.

[Translation]

**Ms. France Bonsant (Compton—Stanstead, BQ):** Mr. Speaker, today we are talking about Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries, which is supposed to ensure that Canadian mining companies behave responsibly in terms of human rights and the environment.

Social and environmental responsibility is very important to Quebeckers. Unfortunately, it seems that Canadian mining companies operating abroad often fail to respect these principles. In 2009, the mining industry itself produced a study for internal use only. The study contained plenty of evidence. Leaks revealed that Canadian companies were responsible for two-thirds of the 171 environmental and human rights violations recorded. Naturally, these companies do not want the bill to pass. They say that it is not necessary and would make them less competitive.

The Bloc Québécois has long been concerned about the fate of populations and ecosystems affected by these companies' abusive activities. In 2001, my colleague, the member for La Pointe-de-l'Île, introduced Bill C-332 to enable the Government of Canada to take action against companies engaging in abusive practices. The private member's bill did not make it past first reading.

Despite our concerns, the government continued to espouse the laissez-faire principle. This attitude is irresponsible. In fact, the Conservatives say that mining activity in underdeveloped countries is a means of fighting poverty. However, that assumes that developing countries have the means to establish long-term development strategies. But such is not the case.

In reality, foreign investment can benefit certain disadvantaged countries if they have the institutional capacity to properly manage the new capital. Given their economic situation, such regions obviously lack the political and administrative means and are unable to benefit from the presence of the mining companies. That is the case for a number of developing countries that are being shamelessly exploited by the industry because of their inability to negotiate acceptable terms for their resource operations. This results in irreparable damage to the environment, the displacement of people from mining sites and the destruction of historical sites, not to mention the industry's use of armed groups that violate human rights.

There are a large number of Canadian mining companies operating abroad. More than 60% of the world's mining companies are registered in Canada. Thus, the phenomenon is very widespread. We must ask ourselves whether such registered companies are taking advantage of Canada's legislative shortcomings and generous tax incentives to further exploit developing countries. At the end of the day, the benefits for countries that host these companies are very few, even non-existent. In fact, these countries often pay dearly for the industry's presence on their land.

In Peru, 97 conflicts between communities and mining companies were reported in 2004. The Honduran mining act does not take residential, environmental or tourist areas into consideration and only gives communities 15 days to appeal the granting of permits.

At present, Canada is a legal paradise for these companies. They benefit from investment conditions that are not well regulated abroad and they are accountable to no one. These Canadian companies continue to post huge profits. The cumulative value of their direct investment totals more than \$50 billion annually. Therefore, we wonder why the government refuses to regulate this industry and puts the onus for monitoring them on disadvantaged governments.

● (1920)

The member for Kootenay—Columbia stated that Bill C-300 would put Canadian companies in danger. However, it seems that we should no longer be surprised that the government answers to mining, oil and gas companies.

*Private Members' Business*

Bill C-300 is a step in the right direction because it forces the Minister of Foreign Affairs and the Minister of International Trade to establish minimum standards. However, the bill is void of any restrictions that would get at the root of the problem. It does not put appropriate mechanisms in place to ensure that the established framework is respected. In fact, the bill does not provide for an advisory committee, made up of industry representatives, dedicated to helping the government create a framework. It is critical that companies be involved; otherwise, the government cannot count on their co-operation.

Similarly, the bill we are discussing today does not propose an ombudsman. It is essential to have an independent procedure for receiving complaints. Finally, Bill C-300 proposes few penalties for offending companies.

In September 2009, my colleague from Laurentides—Labelle introduced a bill that reflects how important we believe respect for human and environmental rights to be. Among other things, it would create a Canadian extraterritorial activities review commission to receive complaints, conduct investigations, issue recommendations to the government and draft a code of Canadian standards for corporate activities.

Although we would rather debate a stricter bill, such as Bill C-438, we support Bill C-300 in principle. Right now, dozens of countries are suffering because of our mining companies. Canadian companies operating abroad simply must respect international standards.

The bill before us today would set minimum standards, which is better than the distressing absence of rules that the government would like to maintain. The Conservatives' dishonest tolerance for the blatant exploitation of people in other countries must end now. I hope that the Conservatives will have learned their lesson following their defeat at the UN Security Council. I hope they will finally honour their international obligations.

[*English*]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am very pleased to speak to Bill C-300, and I give full support to it.

The mining companies and their Conservative surrogates have been very active in their lobbying efforts to try to convince members of Parliament to vote against the bill.

For people who are watching tonight, the summary of the bill sets out its purpose, which is to promote environmental best practices to ensure the protection and promotion of international human rights standards in respect to the mining, oil and gas activities of Canadian corporations in developing countries. The bill would also give the Minister of Foreign Affairs and the Minister of International Trade the responsibility to issue guidelines and articulate corporate accountability standards for mining oil or gas activities and it would require the minister to submit an annual report to both Houses of Parliament on the provisions and operation of the act.

There is a number of very good reasons why the bill should be supported. Bill C-300 seeks to ensure corporations that receive assistance from Canadian taxpayers operate in a manner that respects basic human rights and the environment. Our national reputation is enhanced when our corporate citizens adhere to these values.

Numerous witnesses before the foreign affairs committee gave testimony regarding the significant violations of basic human rights. We know that to be the case in all kinds of countries, particularly South America, Peru, as an example. These violations take place in various Canadian mine sites around the world. The legislation would help sort out the bad practice from the good and enhance the operations and reputations of good Canadian companies.

There have been numerous accusations of serious and unnecessary environmental degradation by Canadian companies. The bill would encourage companies to ensure their practices were up to international standards. The Conservatives seem to want a situation where this—

● (1925)

**The Acting Speaker (Mr. Barry Devolin):** Order, order. It being 7:25 p.m., the time provided for debate has expired. Accordingly, the question is on Motion No. 2.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 2 stands deferred. The next question is on Motion No. 3.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 3 stands deferred.

*Private Members' Business*

The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 4 stands deferred.

The next question is on Motion No. 5.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 5 stands deferred.

The next question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 6 stands deferred. A recorded division on Motion No. 6 will also apply to Motion No. 8.

The next question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 7 stands deferred.

The next question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 9 stands deferred.

The next question is on Motion No. 10. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

*Private Members' Business*

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 10 stands deferred.

The next question is on Motion No. 11. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 11 stands deferred.

• (1930)

[*Translation*]

The next question is on Motion No. 12. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** No.

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

*And five or more members having risen:*

[*English*]

**The Acting Speaker (Mr. Barry Devolin):** The division on Motion No. 12 stands deferred.

The next question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Devolin):** The recorded division on Motion No. 13 stands deferred.

The next question is on Motion No. 14. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Devolin):** The recorded division on Motion No. 14 stands deferred.

The next question is on Motion No. 15. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 15 stands deferred.



The next question is on Motion No. 16. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** The recorded division on Motion No. 16 stands deferred.

Normally at this time the House would proceed to the taking of the deferred recorded divisions at the report stage of the bill. However, pursuant to Standing Order 98, the divisions stand deferred until Wednesday, October 27, 2010, immediately before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

### ABORIGINAL AFFAIRS

**Ms. Irene Mathyssen (London—Fanshawe, NDP):** Mr. Speaker, I would like to thank the parliamentary secretary for taking time to respond to questions on the very important matter of funding decisions regarding the \$10 million promised in budget 2010 to address the issue of violence against aboriginal women.

On June 8, 2010, I asked the Minister of Justice to tell the House when we could expect to see a plan put in place for the investment of the \$10 million promised in the budget. Again, not surprisingly, I was told the government would reveal its plan in due time.

It has been seven months since this funding was announced and still no plan has been revealed. Since budget 2010 announced this \$10 million in funding, I have asked the government to reveal its plan no fewer than four times. Every time I stand in the House and ask this question, the government has the same answer, "Soon".

Soon is not good enough. Recent research from the Sisters in Spirit initiative shows that 582 aboriginal women have gone missing or have been murdered, 582 women. It is unspeakable that this tragedy has occurred and inexplicable that the government is doing nothing to address this and prevent such injustice from continuing.

Per capita, 582 missing and murdered aboriginal women is the equivalent of more than 19,000 non-aboriginal women going

### *Adjournment Proceedings*

missing or being murdered. Would the government continue to procrastinate and refuse to set out a plan in that situation?

What is worse is that organizations on the ground have the solutions necessary to start to address the issue of violence committed against aboriginal women, and all that is missing is the funding and the political will to stop the overwhelming violence being experienced.

I must say with genuine regret and some exasperation that this is all too typical of the current government. The experts on the ground have the answers, but the party in power seems determined to remain idle until it is too late to get the funding in place so that it can be used for programming before the money disappears in March 2012.

Groups across the country are afraid that this is exactly what will happen with the funding promised. We all know this funding must be spent by the end of fiscal year 2011-12. That leaves only 17 months to make the announcement, roll out the funding and allow organizations to create the infrastructure to support the funds. It is just not enough time.

The Standing Committee on the Status of Women has begun a study on the issue of violence against aboriginal women. We began last spring, and what we are hearing time and time again is that funding to address this issue is inadequate. Certainly, funding is needed to help women flee violence and to catch perpetrators, but there is also a need to invest in prevention.

We need to fund groups on the ground that will help combat the systemic causes of violence against aboriginal women. Many of these groups are small and they need more than 17 months to prepare their projects and spend the investment promised in budget 2010. They are desperate to know now where this money is going and how the government intends to proceed.

I ask my question again. What is the government's plan of action regarding the \$10 million promised in budget 2010 to address violence against aboriginal women, and when will this plan be announced and the funding rolled out?

Aboriginal women in Canada cannot afford to wait any longer.

● (1935)

**Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, this government takes all incidents of crime very seriously indeed. That is why we have been active in introducing a series of bills to tackle crime: cracking down on gang violence and the activities that finance organized crime; responding to youth crime through fair and appropriate measures to hold young people accountable when they break the law; and, as part of our national anti-drug strategy, making Canadians more aware of the consequences of using illicit drugs, in addition to supporting initiatives to treat those who become addicted.

*Adjournment Proceedings*

We all have a stake in addressing crime, and we all have a stake in addressing the disturbingly high number of missing and murdered aboriginal women identified by the Sisters in Spirit initiative. My hon. colleague opposite is correct that this government recognized this pressing criminal justice priority in both the recent Speech from the Throne and in the recent budget. I was pleased that there was over \$10 million in the most recent budget to address this important issue.

As this involves an all too real tragedy for the women, their families, their children, and their communities, it is important to make certain that we focus on how best to use the \$10 million to achieve concrete action and real change.

The government is moving forward on this file, over a wide range of possible solutions and proposals, and details will be announced very shortly.

The Native Women's Association of Canada has produced some important research and brought particular attention to this issue, supported by five years of funding from the Government of Canada. That research has highlighted the complex and interrelated set of factors that contribute to the high rates of violence facing aboriginal women and girls in Canada today.

The government has already taken a number of steps to address some of these underlying factors. We now have the new federal framework for aboriginal economic development, announced on June 29, 2009; the commitments made as part of Canada's economic action plan to aboriginal skills, training, and employment; budget 2010's investment in aboriginal health programs; Indian and Northern Affairs Canada's family violence prevention program; CMHC's shelter enhancement program on reserves; and many others.

The government made both a financial commitment and a public apology to former students of residential schools who experienced the most serious abuses, the lingering effects of which have affected their families and communities. The tragic emotional, physical, and sexual abuse, the neglect of helpless children, and the separation of children from powerless families and communities has contributed to social problems that continue to exist in many communities today.

The government's 2008 apology to former students of residential schools was coupled in budget 2010 with an additional \$199 million to meet higher than expected funding needs in support of the settlement agreement.

On the specific issue of missing and murdered aboriginal women, the federal government continues to work in partnership with provincial and territorial governments to strengthen the criminal justice system's response.

On October 15, 2010, federal, provincial, and territorial ministers responsible for justice and public safety released a report entitled, "Issues Related to the High Number of Murdered and Missing Women in Canada".

In 2001, Project Evenhanded, a joint RCMP-Vancouver police task force, was set up to look at missing and murdered sex-trade workers.

In 2006, Project Resolve, a joint partnership between the Office of the Chief Coroner for Ontario and the Ontario Provincial Police, was set up to match missing persons with unidentified human remains. The B.C. Coroners Service joined in 2008.

To conclude in the time remaining, the question of missing and murdered aboriginal women is of great importance not only to this government but I am sure to each and every member in this House. This issue is too significant for grandstanding; it is literally an issue of life and death.

As I mentioned, the government is moving forward to respond—

● (1940)

**The Acting Speaker (Mr. Barry Devolin):** Order, please. The hon. member for London—Fanshawe.

**Ms. Irene Mathysen:** Mr. Speaker, again we hear the word "soon". I would remind the member opposite that the budget is far from recent. It was months ago.

Aboriginal women in Canada have been waiting long enough. The government needs to announce its plan now. Funding needed to be rolled out yesterday.

The issue of violence against aboriginal women is multifaceted and complex, and it will not go away overnight. Experts have advocated for investment in direct service providers to help address this issue.

The Standing Committee on the Status of Women heard that funding in communities is piecemeal. There is limited ability to intervene with prevention programs, because the financial supports are not present. Access to educational opportunities with an emphasis on new life skills and healthier life choices is unavailable. We have been told repeatedly that funding needs to be available to grassroots organizations that provide the services necessary.

When will the government finally take this issue seriously? It has announced the \$10 million. When will it flow?

**Mr. Bob Dechert:** Mr. Speaker, the government has made a commitment to take action on this issue. There has been a great deal of research done, including that done by the Sisters in Spirit initiative. We know the issues that need to be addressed. We also know that there are many complex and interrelated factors that contribute to the situation of higher rates of violence among aboriginal women and girls.

These are not going to change overnight, but will require sustained effort to achieve real change. This issue is too important to rush into, although I fully agree that action is needed. The government has committed to this issue, not only in the Speech from the Throne, but also in terms of the financial investment announced in the budget.

*Adjournment Proceedings*

I look forward to the announcement of the details of the concrete actions this government will take to improve our criminal justice system, and I ask the hon. member to stay tuned. The announcement will be made very soon.

**The Acting Speaker (Mr. Barry Devolin):** The motion to adjourn the House is now deemed to have been adopted.

Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:44 p.m.)

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# CONTENTS

Tuesday, October 26, 2010

<b>Vacancy</b>		(Motion No. 2 agreed to) .....	5337
<b>Prince George—Peace River</b>		Mr. Nicholson (for the Minister of Transport, Infrastructure and Communities) .....	5337
The Speaker .....	5317	Motion for concurrence .....	5337
		(Motion agreed to) .....	5337
<b>ROUTINE PROCEEDINGS</b>			
<b>Canadian Forces Provost Marshal</b>		<b>Strengthening Aviation Security Act</b>	
Mr. Hawn .....	5317	Bill C-42. Second reading .....	5337
<b>Petitions</b>		Mr. Siksay .....	5337
<b>North Korean Refugees</b>		Mr. Harris (St. John's East) .....	5340
Mr. Julian .....	5317	Mr. Maloway .....	5340
<b>Passport Fees</b>		Mr. Davies (Vancouver Kingsway) .....	5341
Mr. Maloway .....	5317	Mr. Hyer .....	5344
<b>VIA Rail</b>		Mr. Simms .....	5344
Mr. Hyer .....	5317	Mr. Harris (St. John's East) .....	5345
<b>Questions on the Order Paper</b>		Mr. Julian .....	5345
Mr. Lukiwski .....	5318	<b>Auditor General of Canada</b>	
		The Speaker .....	5348
<b>GOVERNMENT ORDERS</b>			
<b>Fairness at the Pumps Act</b>		<b>STATEMENTS BY MEMBERS</b>	
Bill C-14. Third reading .....	5318	<b>A Capital Experience</b>	
Mr. Julian .....	5318	Mr. Devolin .....	5348
Mr. McTeague .....	5320	<b>Good Samaritan Award</b>	
Mr. Maloway .....	5320	Mr. Wilfert .....	5348
Mr. Hyer .....	5321	<b>Annette Harnois-Coutu</b>	
Mr. McTeague .....	5321	Mr. Paquette .....	5349
Mr. Maloway .....	5324	<b>Retirement Congratulations</b>	
Ms. Ashton .....	5325	Mr. Maloway .....	5349
(Motion agreed to, bill read the third time and passed) ..	5325	<b>Continental Cup of Curling</b>	
<b>Canada-Panama Free Trade Act</b>		Mr. Rathgeber .....	5349
Bill C-46. Second reading .....	5325	<b>Veterans Affairs</b>	
Mr. Guimond (Rimouski-Neigette—Témiscouata—Les Basques) .....	5326	Ms. Fry .....	5349
Ms. Ashton .....	5327	<b>Infrastructure</b>	
Mr. Keddy .....	5327	Mr. Albrecht .....	5349
Ms. Ashton .....	5327	<b>Bernard Bergeron</b>	
Mr. Maloway .....	5328	Mr. Pomerleau .....	5350
Mr. Davies (Vancouver Kingsway) .....	5328	<b>Mining Industry</b>	
Mr. Maloway .....	5330	Mr. Fast .....	5350
Mr. Allen (Welland) .....	5330	<b>Iran</b>	
Mr. Bigras .....	5331	Mr. Cotler .....	5350
Ms. Ashton .....	5332	<b>Quebec City Armoury</b>	
Mr. Hyer .....	5332	Mr. Gourde .....	5350
Ms. Duncan (Edmonton—Strathcona) .....	5332	<b>Walk for Justice</b>	
Mr. Allen (Welland) .....	5334	Mr. Thibeault .....	5351
Mr. Julian .....	5334	<b>The Economy</b>	
Division on motion deferred .....	5335	Mr. Carrie .....	5351
<b>Gender Equity in Indian Registration Act</b>			
Bill C-3. Report stage .....	5335		
Mr. Lévesque .....	5335		
Mr. Bagnell .....	5336		
(Motion No. 1 agreed to) .....	5337		

**Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity**

Mr. Bigras ..... 5351

**Municipal Elections**

Ms. Minna ..... 5351

**The Economy**

Mrs. McLeod ..... 5351

**ORAL QUESTIONS****Potash Industry**

Mr. Ignatieff ..... 5352

Mr. Baird ..... 5352

Mr. Ignatieff ..... 5352

Mr. Baird ..... 5352

Mr. Ignatieff ..... 5352

Mr. Baird ..... 5352

**National Defence**

Ms. Coady ..... 5352

Mr. MacKay ..... 5352

Ms. Coady ..... 5352

Mr. MacKay ..... 5352

**Public Works and Government Services**

Mr. Duceppe ..... 5353

Ms. Ambrose ..... 5353

Mr. Duceppe ..... 5353

Ms. Ambrose ..... 5353

Ms. Bourgeois ..... 5353

Ms. Ambrose ..... 5353

Ms. Bourgeois ..... 5353

Ms. Ambrose ..... 5353

**Infrastructure**

Mr. Layton ..... 5353

Mr. Baird ..... 5354

Mr. Layton ..... 5354

Mr. Baird ..... 5354

**Potash Industry**

Mr. Layton ..... 5354

Mr. Baird ..... 5354

**Air Canada**

Mr. McCallum ..... 5354

Mr. Strahl ..... 5354

Mr. McCallum ..... 5354

Mr. Strahl ..... 5354

**Public Works and Government Services**

Mr. Regan ..... 5354

Ms. Ambrose ..... 5355

Mr. Regan ..... 5355

Ms. Ambrose ..... 5355

**Omar Khadr**

Mr. Dorion ..... 5355

Mr. Cannon ..... 5355

Mr. Dorion ..... 5355

Mr. Cannon ..... 5355

**Justice**

Mr. Ménard ..... 5355

Mr. Nicholson ..... 5355

Mr. Ménard ..... 5355

Mr. Nicholson ..... 5355

**Omar Khadr**

Mr. Rae ..... 5355

Mr. Cannon ..... 5356

Mr. Rae ..... 5356

Mr. Cannon ..... 5356

**Foreign Affairs**

Mr. Bélanger ..... 5356

Mr. Cannon ..... 5356

Mr. Bélanger ..... 5356

Mr. Cannon ..... 5356

**The Economy**

Mr. Weston (Saint John) ..... 5356

Mr. Flaherty ..... 5356

**National Defence**

Mr. Harris (St. John's East) ..... 5356

Mr. MacKay ..... 5356

Mr. Harris (St. John's East) ..... 5357

Mr. MacKay ..... 5357

**Infrastructure**

Mr. Guimond (Montmorency—Charlevoix—Haute-Côte-Nord) ..... 5357

Mr. Strahl ..... 5357

Mr. Guimond (Montmorency—Charlevoix—Haute-Côte-Nord) ..... 5357

Mr. Strahl ..... 5357

**G8 and G20 Summits**

Mrs. Crombie ..... 5357

Mr. Toews ..... 5358

Mrs. Crombie ..... 5358

Mr. Toews ..... 5358

**Potash Industry**

Mr. Masse ..... 5358

Mr. Clement ..... 5358

Mr. Masse ..... 5358

Mr. Clement ..... 5358

**The Economy**

Mr. Sorenson ..... 5358

Mr. Strahl ..... 5358

**Employment**

Mr. Murphy (Moncton—Riverview—Dieppe) ..... 5359

Ms. Ambrose ..... 5359

**Contaminated Water in Shannon**

Ms. Gagnon ..... 5359

Mr. MacKay ..... 5359

**Pensions**

Mr. Marston ..... 5359

Mr. Flaherty ..... 5359

<b>Economic Action Plan</b>	
Mr. Généreux.....	5359
Mr. Lebel.....	5359
<b>Fisheries and Oceans</b>	
Mr. Murphy (Moncton—Riverview—Dieppe).....	5360
Mrs. Shea.....	5360
<b>The Environment</b>	
Mr. Cullen.....	5360
Mr. Poilievre.....	5360
<b>Public Safety</b>	
Mrs. Mourani.....	5360
Mr. Toews.....	5360
<b>Presence in Gallery</b>	
The Speaker.....	5360
<b>Points of Order</b>	
<b>Bill C-300—Speaker's Ruling</b>	
The Speaker.....	5360

### GOVERNMENT ORDERS

<b>Strengthening Aviation Security Act</b>	
Bill C-42. Second reading .....	5362
Mr. Bevington.....	5362
Mr. Julian.....	5362
Mr. Jean.....	5362
Mr. Bagnell.....	5363
Mr. Masse.....	5363
Mr. Jean.....	5365
Mr. Volpe.....	5366
Mrs. Hughes.....	5366
Mr. Martin (Sault Ste. Marie).....	5367
Mr. Volpe.....	5369
Mr. Gravelle.....	5369
Division on motion deferred .....	5370
<b>Safeguarding Canadians' Personal Information Act</b>	
Mr. Clement.....	5370
Bill C-29. Second reading .....	5370
Mr. Gravelle.....	5372
Mr. Calkins.....	5372
Mr. Maloway.....	5372
Mr. Volpe.....	5373
Mr. Maloway.....	5375
Mr. Moore (Port Moody—Westwood—Port Coquitlam).....	5376
Mrs. Freeman.....	5377
Mr. Siksay.....	5379

<b>Business of Supply</b>	
<b>Opposition Motion—Federal Spending Power</b>	
Motion.....	5379
Motion negatived.....	5380
<b>Canada-Panama Free Trade Act</b>	
Bill C-46. Second reading .....	5380
Motion agreed to.....	5382
Motion agreed to.....	5383
(Bill read the second time and referred to a committee).....	5383
<b>Strengthening Aviation Security Act</b>	
Bill C-42. Second reading .....	5383
Motion agreed to.....	5384
(Bill read the second time and referred to a committee).....	5384

### PRIVATE MEMBERS' BUSINESS

<b>Corporate Accountability of Mining, Oil and Gas Corporations in Developing Countries Act</b>	
Bill C-300. Report Stage.....	5384
Ms. Raitt.....	5384
Mr. Nadeau.....	5386
Mr. Dewar.....	5387
Ms. Hall Findlay.....	5388
Mr. Van Loan.....	5389
Ms. Bonsant.....	5391
Mr. Maloway.....	5392
Division on Motion No. 2 deferred .....	5392
Division on Motion No. 3 deferred.....	5393
Division on Motion No. 4 deferred .....	5393
Division on Motion No. 5 deferred .....	5393
Division on Motion No. 6 deferred.....	5393
Division on Motion No. 7 deferred.....	5393
Division on Motion No. 9 deferred.....	5393
Division on Motion No. 10 deferred.....	5394
Division on Motion No. 11 deferred.....	5394
Division on Motion No. 12 deferred.....	5394
Division on Motion No. 13 deferred.....	5394
Division on Motion No. 14 deferred.....	5394
Division on Motion No. 15 deferred.....	5394
Division on Motion No. 16 deferred.....	5395

### ADJOURNMENT PROCEEDINGS

<b>Aboriginal Affairs</b>	
Ms. Mathysen.....	5395
Mr. Dechert.....	5395

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