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Monday, May 5, 2014

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, May 5, 2014

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

ACCESS TO INFORMATION ACT

The House resumed from March 5 consideration of the motion that Bill C-567, an act to amend the Access to Information Act (transparency and duty to document), be read the second time and referred to a committee.

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, it is a pleasure to add my voice to this private member's bill that would amend the Access to Information Act. The Access to Information Act is a piece of legislation that keeps governments to account. No matter what government is in power, giving people the right to access information keeps everybody on their toes. When we are governing this country, we have to ensure that Canadians have a right to information that the government collects on them, and a right to the information on the actions of a particular government. If we were not to participate in active and proactive access to information, it would create a lot of secrecy. We would not be able to keep a government to account.

Our access to information laws have been there for many years now, but there comes a time to review our legislation and update it with the times. This piece of legislation would help access to information commissioners do their jobs in getting information, compel governments to provide the information, and ensure there is recourse for individuals who do not get the information they are seeking to go to an information commissioner and put out a case.

Also, there is a need for timely disclosure of information. Quite often information is not disclosed in a timely manner. Some of these requests are legitimate. If there are many documents that the various departments have to go through, that is important to know.

However, over the years, governments have more and more not been compelled to disclose information. In an article, the Canadian Journalists for Free Expression reported that from 1999 to 2000 the federal government disclosed information from requests under the act about 40% of the time. It is not acceptable that only 40% of the

time it is disclosing information. However, by 2011-12, under the current government, that number dropped to 21%.

A recent study for the Centre for Law and Democracy reported that Canada ranked 56 out of 96 countries for the quality of its information laws. It clearly identifies a need to change our information laws. Whether it is by design that this information has been made available less and less, it is something that needs to be addressed.

As stated in its summary, the bill would do the following, among other things:

- (a) give the Information Commissioner of Canada the power to order government institutions to release documents;
- (b) require government institutions to create records to document their decisions, recommendations and actions;
- (c) establish an explicit duty to comply with orders of the Information Commissioner; and
- (d) provide that those orders may be filed with the Federal Court and enforced as if they were judgments of that Court.

Time and again, we see the Information Commissioner having to go to the court to compel the government to release information. This is a long and drawn-out process, and it needs to be updated.

With regard to order-making powers, we recently saw an example with our fair elections act bill, where the current Conservative government does not want to make order-making powers that would compel different commissioners of the House of Commons to provide information. This is something we have been calling for on that piece of legislation, but also on this one. It would give order-making powers to compel the release of documents to the Information Commissioner. We are not talking about just releasing it to anyone, but to allow the Information Commissioner to have the tools to do her job and to release the information to that office. That is the office that would make the decision on what information should be released.

• (1110)

Of course, there are always good reasons for information not to be released, such as to protect public safety, public security, the armed forces, individuals' rights of information, and commercial confidence. There is always a good set of reasons why information should not be released, but we should allow the Information Commissioner to have the ability to see that information, compel the government to provide the information to that office, and for that office to make the decision on whether the information is to be released. It should not be the government department in question.

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Bill C-567 contains commitments made by the Conservative Party in its 2006 election campaign platform, "Stand up For Canada". In 2006, after the Conservatives were in opposition for a number of years, they saw a need to update our access to information laws and thought enough of it that they put it in their platform. However, since they have become government, they have not done a whole lot on that. A lot of these commitments should be supported by all members of the House, including the government. The Conservatives are the ones who made these commitments in their platform, and it is important.

It would give the Information Commissioner the power to order departments to release information to her. A freedom of information request goes to a particular department, and each department has an individual or individuals who review that information and release the information to the person who made the request. Then, if the person who requested the information is not satisfied that all the information was received, he or she can ask the Information Commissioner to review the request to see what was and was not given. The only way to do that is if the Information Commissioner can obtain all of the documents and review them for herself. That is essential to freedom of information legislation.

Currently, if a department fails to release documents, the Information Commissioner may have to go to court to challenge the release. A lot of time and effort goes into making sure that people's information is released. When the Information Commissioner has to go to court, lawyers and the applicable department are involved, and it could take a long time. This is something we are trying to avoid. We should allow the Information Commission to be the one to look at the information and decide what information is to be released.

The commissioner has no authority to review information that the government has failed to release claiming cabinet confidence. Cabinet confidence is a very important part of our system, but at any time the government could say that everything is a cabinet confidence. If a piece of information is being requested, it is easy for the government to say it falls under cabinet confidence and it cannot release it. There needs to be a backstop. There needs to be an individual or a department, which is the Information Commissioner, to confirm whether it is cabinet confidence or not. The Information Commissioner is appointed to work on everyone's behalf, and that is the in between on that. Of course, cabinet confidences cannot be disclosed, but to have everything put into that broad window really does not give access to information any teeth in our country.

The current Information Commissioner has indicated her support for this particular reform. It has been on the table for several years now, and it is important. I am hopeful that we can move this piece of legislation through this place to committee to review it. It is a very important piece of legislation to keeping government to account on the governing of our country. My party will be pleased to support this piece of legislation, and I hope that all parties do.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, as always, it is a great honour to rise and represent the people of Timmins—James Bay.

I am very proud to support my colleague from Winnipeg Centre on this bill dealing with the right of Canadians to access information.

This is not a policy-wonk issue. This is about ensuring the government is held accountable to the people, and not as is the case of the government, where the people are supposed to be somehow accountable to the government, with its widespread snooping that we know is going on across the country.

The principles of this bill are very straightforward. In 2014, it almost sounds radical, in terms of a government that is so obsessively opposed to ensuring that the officers of Parliament have the tools they need to ensure any levels of compliance in following the laws of this country by the government.

We will go through the principles that the bill lays out. The principles are to give the Information Commissioner the power to order the release of documents, and to expand the coverage of this act to all crown corporations, offices of Parliament, foundations, and organizations that spend taxpayers' money or perform public functions. It is to consider the exclusion of cabinet confidences. The government says all the time, "Oh, you cannot see those documents. They belong to our cabinet". The bill would have them reviewed by the Information Commissioner to see whether or not those exclusions are fair. It would oblige public officials to create records to document the decisions that the government makes when it decides it is not going to release documents. It would provide a general public interest override for all exceptions, so that the public interest is put before the secrecy of government. It would also ensure that all exemptions from the disclosure of government information are justified only on the basis of the harm or injury that would result from the disclosure, not simply blanket exemption rules.

The world where Canada was once a world leader in access to information and accountability for citizens is now behind Russia, Colombia, the gangster state of Honduras, and Nigeria, in terms of its citizens getting access to information. It has fallen year after year.

These recommendations sound almost radical, very reformist, but these five recommendations were the five promises made by the Conservative Party in the 2006 election. These were the first five promises that were broken by the government.

When we look at this, we can see why the Conservatives set out, after misrepresenting themselves and telling the Canadian people that they would stand up to end the culture of secrecy in Ottawa, to break those promises first. By excluding information, creating black holes of documents in ministerial offices, and continually obstructing the work of the officers of Parliament, the government has been able to create an unprecedented level of obstruction, secrecy, political misinformation, and just plain thuggery.

The Canadian people need to understand that the officers of Parliament are the referees, the ones who make sure that the government plays by the rules, yet we see unprecedented attacks ensuring that the officers of Parliament do not have the ability to challenge whatever the Prime Minister and his thuggish minions decide.

The former parliamentary budget officer, Kevin Page, was attacked and undermined. We see the government even attacking the head of the Supreme Court of Canada. We see that attack on Marc Mayrand, Elections Canada. We see the insinuation and the lies that are told about people who protect the interests of the Canadian people.

Let us look at what has happened under the government. I will talk about the recent report, released just a few weeks ago by Suzanne Legault, on the interference and the breach of law by Conservative staffers in interfering with the quasi-constitutional right of Canadians to get information.

This is what Suzanne Legault says in her report about the government:

The Access to Information Act is the legal framework that confirms a quasi-constitutional right of citizens to access government information and establishes an objective and non-partisan process for obtaining that information.

The integrity and neutrality of the access system depends on strong leadership from the top.

Well, they are obviously not going to get that from the government.

• (1115)

Ministers and senior managers must ensure their employees know their responsibilities with regard to access to information, and the limitation of their roles. Political and institutional leaders must ensure that their organizations follow the policies and procedures governing...access....

What Suzanne Legault found in her report was that political staffers Sébastien Togneri, Marc Toupin, and Jillian Andrews interfered with the rights of Canadians to get information; that the ministerial staff testified that they were aware that they did not have the delegated authority under the act to interfere with the information; that they also were aware that those with delegated authority had made the decision to release documents to the public because it was in the public interest; and that despite being aware of these facts, these political staffers in the Conservative Party undermined the law, by refusing and overriding the delegated authorities in the civil service, to keep the documents suppressed. According to Commissioner Legault, this was part of a culture of keeping the minister happy.

What we see now, and this is where this gets into the unaccountable world of the government, is that the commissioner does not have the legal authority to press fines or to hold these political staffers to account for the possible breaking of the laws of Canada. No, she has to go to the minister and ask the minister to decide whether the minister will hold the his or her own staff to account.

The Information Commissioner has written to the minister saying that these five files on which the commissioner has concluded there was interference will be forwarded to the appropriate body. The appropriate body is the RCMP, because we are talking about crimes committed in a minister's office. What does the minister respond?: "it would not be a prudent use of the RCMP's limited resources to refer these...files to them".

We have a minister daring to speak on behalf of the RCMP about crimes committed in her own office. She says that it is not prudent, because the RCMP does not have the time to look into it. That is the

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notion of accountability in the government, which is that it is okay for Conservatives to break the rules, that it is okay for them to break the laws. They will choose to speak for the RCMP on whether laws have been broken, based on political expediency. It would not be prudent, they say. The Information Commissioner has to ask the people who committed the crimes, who oversaw this in their own office, to see if they will turn it over to the appropriate authorities.

This is a far cry from another promise made by the Prime Minister to the Canadian people, which he broke, and it is probably one of the most cynical statements that has ever been made. He said, in 2006,

There's going to be a new code on Parliament Hill. Bend the rules, you will be punished; break the law, you will be charged; abuse the public trust, you will go to prison.

He did not tell us, though, that he only meant it if one is a Liberal. If one is a Conservative who breaks the rules, he or she will be promoted. If a Conservative breaks the law, he or she can work right in the Prime Minister's Office, perhaps as his lawyer or one of his chief advisers. If one is a fraudster like Bruce Carson, one could actually get promoted and work in the Prime Minister's Office.

This is the culture of contempt Conservatives have for the Canadian people. It comes down to one of their fundamental pillars, which is their ability to retain secrecy. We see situations now where the Department of National Defence says that it is perfectly okay to refuse to allow documents to be released for at least 1,000 days. Other documents are simply blacked out page after page.

This is not democratic accountability. This is not in any way meeting the basic tests laid out in the laws of Canada. We see a government that believes it is above the laws of Canada. We will talk later today about the Conservatives' online snooping. We find now, contrary to the laws of this country, that every 20 seconds, someone from a government agency picks up the phone and demands information on Canadians, and they get it, for whatever reason.

The bill is about whether the Conservatives lied to the people of this country in 2006. They made these promises. This was part of their election platform. We are saying that they should stand up on the promise they made to the people in 2006, or my God, how far they have fallen.

• (1125)

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I am pleased to stand today in the House in support of an act to amend the Access to Information Act, Bill C-567.

There is a critical issue at play here, and that is the transparency of government. Many have spoken through many years in simple and profound terms about the centrality of this characteristic, transparency, in a good, and importantly, democratic government. The concept is simple enough. Absent the ability of citizens and elected representatives to see into the workings of government to access information concerning the decisions and decision-making processes of government, government is free from scrutiny.

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Access to information is a precondition for the kind of government we want, one that is accountable to the opposition and to the electorate. Importantly, we are talking about a continuous state of accountability, and by extension, constant access to the information necessary to ensure that condition.

We all agree, in words if not in deeds, in principle if not in practice, that accountability should not rise and recede with the electoral cycle. No one professes the least satisfaction with a system that would allow government to disappear and operate behind a curtain between opportunities to throw it out.

One can find a long and interesting history of this bill and the principles of transparency and accountability that motivate it. A good place to start is 2005. With the Access to Information Act nearly two decades old, then information commissioner John Reid put forward a package of legislative reform for consideration. My colleague, the member for Winnipeg Centre, put forward that package in the form of private member's legislation in 2006, 2008, and again in 2011. While it never passed, it is not as though there was not support outside of this House for greater access to information.

In February 2009, then federal information commissioner Robert Marleau released his 12 recommendations for strengthening the Access to Information Act. The House access, privacy, and ethics committee issued a report in June of that year endorsing some of those recommendations. In 2010, there was a call from information and privacy commissioners across this country for more open government.

There are calls for reform of the act. I remember not long after being elected that a constituent, who was at one time a journalist and an editor for more than one national newspaper chain, came to my office for a chat. At the time, I was the critic for military procurement, and the government's plan to purchase F-35s was a hot topic. In that context, we were talking about access to information.

"As a general rule", he advised, "if you want to know what's happening in Canada, cross the border into the United States and ask from there. Government is far more open there". I confess that I was shocked by that, but my experience has proven this to be true.

More importantly, greater authorities have done ample analysis on this issue to support the contention that here at home, we find ourselves in very sad shape on this important measure of democratic government. For example, an international report comparing Canada to four other parliamentary democracies, Australia, New Zealand, Ireland, and the United Kingdom, put Canada in last place on access to information. That report graded us an "F", for fail, in fact.

In 2011, a joint project by the Halifax-based Centre for Law and Democracy and the Madrid-based Access Info Europe ranked Canada in 51st place against measures of access to information.

In 2013, Canada's information and privacy commissioners and ombudspersons passed a resolution on modernizing access and privacy laws for the 21st century that included recommendations to improve access to information. Just last November, Suzanne Legault, our federal Information Commissioner, tabled her annual report to

Parliament, which highlighted weaknesses in the information system that need to be urgently addressed.

According to the Information Commissioner:

All together, these circumstances tell me in no uncertain terms that the integrity of the federal access to information program is at serious risk....

It is imperative that the problems in the system be fixed promptly and substantively.

Here we are today with a substantive and obviously prompt response to problems in the system.

• (1130)

Now, this is not the full package of reforms to the act the member for Winnipeg Centre previously tabled in this House. Instead, Bill C-567 is, in his terms, "a modest effort and seeks to address only those aspects of reform on which there is a stated and documented consensus".

The bill, therefore, contains six key clauses.

The first would give the Information Commissioner of Canada the power to make orders to compel the release of information that in his or her view should be released.

The second would expand the coverage of the act to all crown corporations, officers of Parliament, foundations, and organizations that spend taxpayers' money or perform public functions.

The third would subject the exclusion of cabinet confidences to the review of the Information Commissioner of Canada.

The fourth would require public officials to create and retain documents and records necessary to document their actions or decisions.

The fifth would provide for a general public interest override for all exemptions so that the public interest would be put ahead of the secrecy of the government.

The sixth and final part would ensure that all exemptions from the disclosure of government information would be justified only on the basis of harm or injury that would result from the disclosure and not on blanket exemption rules.

Let me applaud my colleague for Winnipeg Centre for being such a consistent, indeed stubborn, advocate for greater openness and transparency, not just over time, but importantly, within this House. Over time, there have been just a handful who have led this cause from a seat in this place. There are others who have called for reform of the act and for greater openness and transparency, but rarely from inside this place. The former selves of the Conservative government are one such example.

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In fact, the substance of the bill, the six simple points set out above, as the member for Winnipeg Centre happily acknowledges, is lifted straight from the 2006 electoral platform of the current Conservative government. Throwing back the curtains and shining a light into the dark recesses of government was once a good idea, they thought. In fact, they raised the principles of openness and transparency and accountability into an ideology unto itself. Fair enough, but now, having listened to this debate and having read the speeches from across the aisle, we find, again, that they left the white horse they rode in on tied up outside.

We have a government justifying keeping those curtains shut tight and the light out, justifying governing hidden from the gaze and scrutiny of those whose lives and country they govern. "How can we be open and honest all at the same time?", they ask, in opposition to the bill and in opposition to their former selves.

It is a government obsessed with ensuring its own privacy but equally obsessed with knowing the business of Canadians. The Conservatives' objection to governing in the light of day comes coincident with news, further evidence, I should say, that they have virtually no regard for the privacy of Canadians, it just being revealed that the current government has made 1.2 million requests for private information from telecommunications companies. So egregious is this level of warrantless snooping into the phone and Internet records of Canadians that we, the NDP, are dedicating the rest of the day in the House to a motion calling on the government to take better care to safeguard the privacy of Canadians and to put an end to indiscriminate requests and the disclosure of the personal information of Canadians.

There is an opportunity here today for reconciliation, for the government to reconcile its current self with its former self, for the government to reconcile what it proposed in opposition with what it does in government, to reconcile its brand with its product and its ideology with its practice, to reconcile its obsessive grip on its own privacy with its disregard for the privacy of Canadians. I urge it to support Bill C-567.

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I am very pleased to rise in the House today on behalf of the people of Gatineau to wholeheartedly support the bill introduced by my colleague from Winnipeg Centre, Bill C-567, An Act to amend the Access to Information Act (transparency and duty to document).

I never would have thought that we would need to go to the Conservative government and make such a direct, clear and strong case for this bill. This is a common-sense bill, and people have been calling for it for decades. A society that lacks transparency and access to information is crippled in many ways.

This is all the more surprising considering that back in 2006 the Conservative government promised to be more transparent and accountable than previous governments. I know because I lost my seat in 2006. I remember full well that people bought into that Conservative promise. People put their faith in the Conservative government, but they have been regretting that decision ever since. It is unfortunate.

Open access to information is the foundation of government accountability. Our system is in crisis, but I will come back to that a bit later.

In September 2013, which was not very long ago, I was a member of the Barreau du Québec. To maintain our licence, we have to participate in professional development. That is why I had the pleasure of taking part in a day-long seminar at the University of Ottawa for Right to Know Day and Germain Brière Day. It was fascinating to listen to the panellists who participated.

We heard many things during that day. I just about fell over when I heard access to information experts say that, according to a recent Centre for Law and Democracy study, Canada ranks fifth worldwide when it comes to access to information. They also said that Canada performed poorly in a comparison of the Access to Information Act with provincial legislation. Unfortunately, in Canada, various levels of government tend to take their cue from each other, which means things are likely to get worse over time.

What are the leading-edge standards for access to information? Various panellists talked about that. I especially enjoyed the panel on the need and the right to know, which included Robert Fife, a CTV journalist and host and a recipient of the Charles Lynch Award for outstanding news coverage, and Benoît Pelletier, the former minister of intergovernmental affairs and a constitutional law expert. That day, Guy Giorno, a partner at Fasken Martineau, delivered an extraordinary presentation. Everyone knows him because of his connection to the Prime Minister.

I was so impressed to hear these people agree that Canadian society should be a lot more open and transparent and that the general public should have more access to information. As many people said to Mr. Giorno, a man I respect, it might have been nice had he given that kind of advice to his boss back in the day. Given the Prime Minister's Alliance and Reform background, we had high hopes, because that was what he hinted at in several respects.

As I was saying at the beginning of my speech, in 2006, the government was elected in the wake of the sponsorship scandal. The former auditor general was the government's shining star and it hid behind her. With hard work and the help of her team and the media, she managed to uncover what was likely the biggest scandal in Canadian history so that such a thing would never happen again.

● (1135)

I think that is very sad. It would be nice to believe that we learn from history and that the negative aspects, at least, do not repeat themselves, but unfortunately, that is not what happened. Instead, we got a government that made a point of promising us a law on government accountability with more teeth and then finally introduced a really weak bill. As a result, we are seeing scandal after scandal from the Conservative government.

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We are talking about access to information legislation, yet we have never had such a secretive government in the entire history of Canada. If the Prime Minister has been looking for a legacy to leave behind, he has found one. After all these years as Prime Minister, I think that he will go down in history as the most secretive Prime Minister this Parliament has ever known. Soon we will celebrate the 150th anniversary of Canada. Unfortunately, those 150 years include these Conservative years, which we will remember with a bit of a shudder. I hope these years will soon be behind us.

Whether we are talking about the Auditor General—who was a superstar when it suited the Conservatives but is now an outcast—the Chief Electoral Officer or the Parliamentary Budget Officer, all of these individuals in our major institutions have become *persona non grata*. That is very unfortunate.

There was also the controversial appointment of Justice Nadon. As the justice critic, I nearly fell off my chair when the Prime Minister said that he was yielding to the Supreme Court's decision. That is what everyone usually does because the Supreme Court is the highest court and an extremely important pillar of our democracy. When the highest court renders a decision regarding the legal situation in our country, we yield to it and move forward with it in a positive manner. At least that is what we thought until the Prime Minister showed us what I believe is the most striking side of his personality: his vindictiveness and his refusal to accept different views. That is unfortunate.

When preparing this speech, I consulted statements that the Prime Minister made to his caucus at various points in time, whether it was with regard to the Federal Accountability Act or quite simply their way of being. I came across the following:

• (1140)

[English]

“Back in 2002, before the Accountability Act saw the light of day, [the Prime Minister] had some thoughts to share with the House about the idea of a legacy as he criticized the then-Liberal government's recent Throne Speech, as well as then-Prime Minister Jean Chrétien and Paul Martin”:

We heard grandiose rhetoric delivering little or even the opposite of what it promises. We heard communication strategies that talked around real issues, ignored previous failures, gave no details, no plans and no price tags. Why? The most obvious explanation is that yesterday's throne speech was not really about anything except two men: one desperate to leave a legacy and the other whose legacy will simply be leading, if only for a short period....

He continued by saying, “What is a legacy? The word is bandied about a lot here. Why does the government not have a legacy after nine years? Creating a real legacy was the reason my party was founded.” Boy, did I laugh this weekend when I read that phrase. “It was not the lure of power nor the attraction of the spotlight. It was not to pad our resumes, reward our friends...”

Do I have to remind the House about all the nominations the government did in the Senate and elsewhere? I could go on, but I think I will conclude with a letter I received from one of my constituents, Sylvia Renaud.

[Translation]

I asked her for permission to share her *cri de coeur* and she said, “Go for it”.

Referring to the Prime Minister, she said:

I cannot stand to see that guy leading our country. He gives me panic attacks.

That man is in the process of destroying, and quietly to boot, everything that holds our country together. He is making it hard to provide necessary services to the public (the government keeps cutting and cutting the big bad public service)...cutting transfers to the provinces (health care and education), cutting home mail delivery, at a time when the population is aging...What is this government thinking?

The government buries parliamentarians under mountains of bills and bundles of hastily made amendments in order to confuse people and leave little time for properly studying or reacting to them. Isn't this starting to look like anything but a democracy?

Now he is helping himself to our personal information without asking for permission? He was never given that mandate. Aren't you starting to scared?

By using the highly calculated strategy of remaining silent, by draping himself in a cloak of silence, the Prime Minister has given himself a great power, which is amplified by the fact that he has a majority government...the justification for all the abuses.

When you think about it, isn't it surprising to see our Prime Minister remain so silent, even invisible, as he runs the country? Isn't it surprising to see this lack of explanation and justification, this refusal to engage in conversation, enter into dialogue, or even listen to the challenges the public is really facing?

My constituent continues on like that. I am issuing the same *cri de coeur* to the backbenchers who were elected on a platform of transparency, openness and representing their constituents.

For goodness' sake, I urge them to support Bill C-567. It cannot hurt.

• (1145)

[English]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I do not want to reiterate what has been said by my colleagues, but unfortunately, it is necessary, to try to communicate across the way how the government has let Canadians down on what it has promised for so long. Many of my colleagues have read back what the Conservatives promised in 2006, and it continues to espouse that it is the government that believes in open, transparent and participatory government. However, bill after bill shows that it is going in exactly the opposite direction.

It is really important at the outset to read out what the Conservative government promised were when it ran on a platform of open, transparent and participatory government. In fact, at that time it was commended by Duff Conacher from Democracy Watch as having the best accountability package, and therefore Canadians should consider supporting the Conservatives.

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What did the Conservatives promise? They promised: first, they would give the information commissioner the power to order the release of information; second, expand the coverage of the act to all crown corporations, officers of Parliament, foundations and organizations that spend taxpayer money or perform public functions; third, subject the exclusion of cabinet confidences to review by the information commissioner; fourth, oblige public officials to create the records necessary to document their actions and decisions; fifth, provide a general public interest override for all exemptions so that the public interest would be put before the secrecy of the government; and finally, ensure that all exemptions from the disclosure of government information would be justified only on the basis of the harm or injury that would result from disclosure, not blanket exemption rules.

Here we are. How long has the government been in power? How many elections has it gone through continuing to promise to have an open, transparent government? What are the exact measures it has failed to bring forward in its accountability legislation? It is exactly those measures.

It is absolutely reprehensible that it is up to the official opposition to table the very measures the government has promised. Therefore, it is very logical, and Canadians out there can very logically presume, that we will have the full support of the government of the day to this excellent bill, Bill C-567 tabled by my colleague. He has tabled exactly the measures that the government long ago promised and that are necessary to ensure we have an open democratic government.

Why would we want to have open disclosure of information to the public? There are a good number of reasons. How about, simply, we have fact-based law-making? How about, when the government is actually delivering on its constitutional duty to consult, consider, and accommodate first nations interests, does it not seem normal and reasonable that it would be necessary for both sides to have access to the same information so they can proceed in a constructive way based on the same facts and information?

The government is actually bragging that it has received 27% more requests for access to information, as if that should mean it is an open, transparent government. It is quite the opposite. It is absolutely reprehensible that there has had to be a 27% increase in the public having to go through the complicated process of a formal access to information request. While the law requires a 30-day response to that information, people have to wait much longer. Why is that critical? Because decisions are made every day by the government that impact Canadians, whether it is health, the environment, drinking water or equal access to education. They need that information to ensure their rights are being considered and looked after.

What are the main provisions Bill C-567 is bringing forward? One of the most important provisions, and as a person who used to draft legislation I fully concur with the proposal, is the first amendment to clarify the purpose of the law and to expand it to make government institutions fully accountable to the public to make good record-keeping necessary by government institutions and that it be fully accessible to the public. Very clearly, that is exactly what an access to information act should provide for. I commend my colleague for

coming forward with that proposed amendment, which is very straightforward.

Why is that necessary? Because we have lost track of the times where people have sought access to information and have been denied. Those of us who were in the previous session of Parliament recall when the government absolutely refused to disclose information on the Afghan detainees and were up against the wall. Canadians should have the right to information about the way the government is conducting itself, not only in our country but overseas. It is very important to the reputation of our nation.

• (1150)

The second proposal the member has recommended goes to the application of the law and that the duty to disclose the right of access should take precedence over other laws. The way the law is written right now is it is an exception. The proposal in this private member's bill says that we would still have reasonable exceptions to that, including national security and under the Privacy Act.

The third provision the member is proposing is on record keeping. That is just common sense. How is the public going to gain access to information if the government does not actually record its decisions? We have seen circumstances arise in which the government simply says that there is no record or a record has not been kept because so much of the information has been exchanged by tweet, email or text. This provision is very sensible and would require the documenting of decisions, actions, advice, recommendations, and deliberations.

Why would that be important? We can think of a good number of critical decisions before the country right now, for example, the approval of pipelines to the west coast. Even though departments are mandated by legislation to give ministers the powers to make decisions, those decisions are increasingly concentrated in the cabinet. Why is that significant? Because the legislation right now excludes decisions by the cabinet and the PCO. The recommendation in the legislation is that there should be more open access, in fact a lessening of the exclusions and exemptions, and that cabinet confidences should not necessarily be automatically excluded. I am advised that Canada is the only commonwealth nation that actually provides for cabinet exclusion.

There is also a recommendation to add a public interest criterion. That seems to be common sense. Obviously, when the government is measuring whether it should be holding information in confidence, if it would be in the public interest rising above all other interests, then that information absolutely should be released.

Duff Conacher with Democracy Watch has called this law, rather than the Access to Information Act, "The Guide to Keeping Information Secret". That may sound like a rather humorous description of the act, but when we see example after example of the struggles that Canadians go through to simply gain access to information, it is probably an apt description.

Private Members' Business

Suzanne Legault, who is the Information Commissioner, has actually called for substantial reforms to the legislation. Because the government has not taken action, it is incumbent upon all members of the House to take a serious look at this bill. It contains the kinds of measures that she has been recommending. They are the kinds of measures that a good number of legal experts have been recommending. They exactly parallel the amendments that the government promised to make in 2006, and has still not done so.

I would like to close by simply speaking to an area that I am deeply concerned about and have had the opportunity to work in for a number of decades, and that is the area of the protection of the environment. Nowhere is it more important to have access to information than the protection of the environment: access to timely science; access to deliberations by the government, whether it is a regulated a toxin or whether it will make a decision to protect a river; and on its goes.

It is important to keep in mind that the government often forgets or ignores undertakings that it has previously made. The government is committed to the North American Agreement on Environmental Cooperation, in which it has an obligation to promote transparency and public participation in environmental decision making. It actually has an obligation under article 4 of the agreement to publish in advance any such measure it proposes to adopt and provide interested persons and parties reasonable opportunity to comment. There is obviously not much point in commenting unless people can see the details of what the government is considering.

• (1155)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I rise to close the debate on my bill, Bill C-567. I appreciate the member for Victoria who seconded the bill.

I thank all my colleagues who have entered into the debate. I am surprised and disappointed that no members from the government side have seen fit to enter into the debate on this important subject.

In the few minutes that I have, let me say that this is a fundamental cornerstone of our democracy, that the public has a right to know what their government is doing with their money. The instrument by which they are allowed to exercise that right is the Access to Information Act, our freedom of information laws.

The reason I put forward this bill is that our access to information regime is broken. It is dysfunctional. The wheels have fallen off it. If I was in Newfoundland, I would say "Da arse is out of er." The alarm has been sounded by better speakers than I in this whole regard.

Part of the problem is that the government treats information as if it were theirs, as if it has some proprietary right to information and it will ration it out in little tidbits, only when necessary and only when it serves its purpose. The government is completely off-centre on this. It is not the government's information. It does not belong to the government. It does not belong to the bureaucracy. It does not belong to the public servants who created it. It belongs to the people, the taxpayers of Canada, who commissioned that information and whose tax dollars paid for its creation. The public has a right to know.

The government members used to profess this. Members on the government side will recognize all six points in my private members' bill, because all six points come from this very document, "Stand up for Canada", the Conservative Party of Canada's federal election platform.

Some of the members across stood on doorsteps and promised Canadians, with this very document, that if they were elected, they would give the freedom of information commissioner the right to compel evidence and documents, the duty to document. All of the six points I put in my bill are directly from this document.

Either the government members are going to support their own promise to Canadians, or we are going to witness the outer limits of hypocrisy. They are going to push the envelop and expand the notion of hypocrisy to something that Canadians have never seen.

Never before has a government been challenged by its own words in so obvious and clear a way. It was tempting for me, as the chairman of the access to information, privacy and ethics committee, to put forward a whole rewrite of the bill. God knows, there are many clauses of the bill that would benefit from amendment. However, I used some restraint and I limited my bill to exactly the promises the Conservatives made.

How, in all good conscience, will my Conservative colleagues stand later this week and vote against their own promise to Canadians?

It was the culture of secrecy that allowed corruption to flourish in the Liberal years. A lot of Canadians believed the Conservatives who said that when they were elected, things would be different. I guess in their minority government, they could have used the excuse that it was a minority, but if they had a majority, they would fulfill all the lofty promises they made to Canadians.

Well, they have had a majority for years, and now they have the opportunity to make manifest those lofty promises they made at the doorstep by voting for this bill, at least sending it to committee, so we can, for the first time since 1983, have a serious review of the Access of Information Act at a parliamentary committee.

In my closing remarks, I will quote the former information commissioner, "A government, and a public service, which holds tight to a culture of secrecy is a government and public service ripe for abuse". Secrecy, I could not agree with him more.

The seeds of corruption are planted in the dark, and the black shroud of secrecy will become the most lasting hallmark of that administration if it does not stand, be honest with Canadians and vote for what it promised it would do as soon as it can on Bill C-567.

• (1200)

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed

Some hon. members: No.

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

Business of Supply

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

The Acting Speaker (Mr. Bruce Stanton): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, May 7, 2014, immediately before the time provided for private members' business.

Last week, new revelations showed that government agencies and departments allegedly asked telecommunications companies to share personal information with them without a warrant. Not once, not a hundred times or a thousand times. They asked 1.2 million times.

We condemn this highly questionable tactic, since there is no legislative oversight to determine whether the government's reasons for accessing this information were valid.

Like many Canadians, I understand and support the need for security authorities to have the tools they need to fight crime in our country and to make us feel safe at home.

However, how can the government justify 1.2 million requests in a single year to achieve that goal? That happened in 2011, and the government was not required to explain what this information was necessary or how and for what it would be used.

When I think of the majority of Canadians who abide by the law and who could be affected by these requests, I find it unacceptable, disgusting and incomprehensible that the government is treating them like criminals.

• (1205)

[*English*]

The privacy of Canadians has been taken lightly by past Liberal and Conservative governments for far too long, and Canadians affected by the thousands of data breaches in government agencies are paying the price. To hear that the government is snooping on them as though they were common criminals when they have done nothing wrong is another blow on top of it all. Last week the government tried to make us believe these requests were made for public safety reasons, but let us look at the case of the CBSA.

In response to my order paper question, after reviewing the number of requests made from the CBSA in one year, we find that no requests were made in exigent circumstances. The 18,849 others were made in non-exigent circumstances. From these requests, only two were made for national security reasons, none for terrorism alerts, none for foreign intelligence, and none on the grounds of child exploitation, so it is hard to believe the government when it says that these millions of requests were made for national security reasons when the numbers speak a very different truth.

[*Translation*]

Canadians understand that law enforcement institutions need information to identify, catch and judge criminals. However, when the government makes 1.2 million requests for Canadians' private information from telecommunications companies per year, that is not just about cracking down on crime; that is spying.

The vast majority of Canadians are law-abiding. There is no reason for the government to engage in such broad spying activities. If the Canadian government decides to spy on its own citizens, it should do so only if it has reason to suspect them and only with a warrant.

GOVERNMENT ORDERS

[*Translation*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—SAFEGUARDING OF PERSONAL INFORMATION

Ms. Charmaine Borg (Terrebonne—Blainville, NDP) moved:

That, in the opinion of the House, the government should follow the advice of the Privacy Commissioner and make public the number of warrantless disclosures made by telecommunications companies at the request of federal departments and agencies; and immediately close the loophole that has allowed the indiscriminate disclosure of the personal information of law-abiding Canadians without a warrant.

Mr. Speaker, I would like to begin by stating that I will be sharing my time with my colleague from Timmins—James Bay.

I am very pleased today to move this motion to ensure that justice is served for Canadians. However, I am very disappointed to have to rise once again to protest this government's extremely reprehensible actions.

I would have thought that, after three years, it would have finally understood. However, once again, the government has been caught spying on its own people.

With such ridiculous statements as, for example, if we did not support bill C-30 we were siding with pedophiles, the government has constantly tried to minimize the impact of its proposed measures on the lives of Canadians, all the while boasting and insinuating that it is proposing reasonable and necessary measures, which has been proven to be false by many impartial stakeholders.

The Conservative government called our assessment “speculation and unwarranted fearmongering” or a series of outlandish conspiracies made up by the NDP. After being harshly criticized by the public, media, and civil liberty and rights groups, as well as by privacy experts, the government finally listened and withdrew these bills or let them die on the order paper.

However, we still need to point out that exploiting the personal information on Canadians without reasonable cause and without a warrant is a huge violation of their privacy. I do not think I have heard about 1.2 million criminals being convicted of accessing personal information in 2011.

Business of Supply

If the law permits this kind of warrantless spying, the law must be changed immediately, and that is what the NDP is trying to do today. If the government needs a warrant to listen to Canadians' phone conversations, the same should apply to their online activities.

[English]

We understand that certain extremely urgent circumstances do not permit the obtaining of a warrant. However, the information we received from the Privacy Commissioner last week goes far beyond the imaginable: 1.2 million requests for subscriber data without a warrant is unacceptable and unjustifiable.

[Translation]

In Canada, we are very lucky to have a legal framework for obtaining a warrant. That framework protects Canadians and prevents abuses by the authorities. Unfortunately, there is a loophole in the system the Liberals introduced.

Today, the Conservatives are taking advantage of that loophole to spy on their own citizens. Clearly, the government is no longer in control of the warrantless disclosure procedures.

As I said earlier, the Conservatives' spying cannot be justified on national security grounds. Moreover, it is done in secret. The Privacy Commissioner is not even informed.

[English]

If the government had a real, viable motive for snooping on Canadians, it would have no problem whatsoever with warning Canadians when they were being snooped on, it would have no issue working with the OPC, and it would strengthen our laws to better protect Canadians against these types of abuses.

[Translation]

We do not know why, how often or how long the government has been spying. What is even more incredible is that the Conservatives have long been trying to expand the legal framework around requesting information without a warrant. If the government decides to spy on Canadians, there should be just cause, it should be overseen by the courts and it should happen only under exceptional circumstances.

What is even more ridiculous than the government's unwillingness to protect Canadians' privacy is its complete lack of understanding about the scope of the problem. Just last week, the Privy Council Office asked that all departments provide details about the number of personal information requests submitted to various telecommunications companies over the past three years.

That proves that the government has abused the loophole in the law to the point where it has lost control of its departments on this issue.

[English]

The Conservatives have proven that they are unable to protect the privacy of Canadians. The Privacy Act dates back to 1983, before the arrival of the Internet, and PIPEDA has not been updated since 2000, before the age of social media.

• (1210)

[Translation]

Instead of strengthening the laws and increasing government accountability, the Conservatives are moving in the other direction. Instead of protecting Canadians' privacy, Bills C-13 and S-4 will increase the likelihood that the government will spy on its own citizens. From an ethical standpoint, that is extremely problematic.

[English]

With Bill C-13 alone, the government would expand the number of people who can make requests for subscriber data so that even people like Rob Ford could access our personal information. It would create legal immunity for voluntary disclosure of personal information and it would expand the circumstances under which personal information could be disclosed.

[Translation]

As if that were not enough, the government is using taxpayers' money to spy on them. Government agencies pay telecommunications companies between \$1 and \$3 for each information request. That means that, at the very least, Canadian taxpayers have paid between \$1.2 million and \$3.6 million to be spied on. I say that is the minimum because only some of the telecommunications companies have disclosed how often they provide information to the government.

If all of those information requests were justified, and if the telecommunications companies were not worried about disclosing their practices, I would likely not be making this speech today. Unfortunately, the Conservatives are trying so hard to hide their spying that it is worrisome.

What are they using all that personal information for? Can they even justify the importance of the information? It is clear that the government believes that Canadians are criminals because it spies on them without their knowledge, as though it suspected them of something. This motion defends the privacy rights of law-abiding Canadians, and it is meant to counter the government's nefarious attempts to get information by the back door.

Since becoming the critic for digital issues, I have risen dozens of times to draw attention to and criticize the alarming state of our privacy laws. Laws that are meant to properly protect us in the digital age should have been revised years ago and are now unsuitable for protecting the public and our children.

[English]

In my time as opposition critic for digital issues, I have seen not one but four different pieces of legislation introduced in the House that would facilitate government snooping instead of fixing the problem.

Canadians are worried. They are right to be. The Internet that they have known as an open and free space for social and political discussions is threatened by the snooping of their very own government. Law-abiding citizens should be able to benefit from the Internet without the threat of being treated like common criminals.

Business of Supply

[Translation]

I ask all my colleagues to vote in favour of our motion in order to restore Canadians' trust in matters concerning the protection of their privacy and of the Internet as the social and political tool it should be.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I want to thank my hon. colleague. I have great respect for the excellent work she does for Canadians on this very important file.

I would like to ask her about the spin we are hearing from the government. Conservatives keep changing their story about how they actually somehow care for Canadians' private information, and the Minister of Industry is telling us that Bill C-13 and Bill S-4 will fix the problem. They will fix it, all right.

Under Bill C-13, anyone designated as a public officer will be able to gather information without a warrant. It is in the bill. Under clause 20, what a peace officer or public officer would be in the Criminal Code would include wardens, Reeves of small towns, sheriffs, justices of the peace, and persons designated under the Fisheries Act, meaning that the Fisheries Act would be able to get information from the telecoms about folks in Timmins—James Bay who are out fishing. Of course, mayors are included as well.

It seems to me that the government is now moving backward to actually legalize widespread snooping and open up snooping to all manner of people who have no business being able to find out personal information, what people do on the Internet, or who they phone.

I would like to ask my hon. colleague why she thinks the government is telling Canadians that allowing widespread snooping by wardens, Reeves, sheriffs, mayors, and people designated under the Fisheries Act will somehow protect Canadians' privacy.

[Translation]

Ms. Charmaine Borg: Mr. Speaker, I want to thank my colleague for his work on this very important file. I was pleased to take over for him. I have a lot of ground to cover, considering all the work he did.

To answer his question, indeed, it is quite contradictory for the government to claim to be introducing a wonderful bill that does everything to protect Canadians' privacy, when in fact, there is another bill that supposedly deals with cyberbullying and contains 60 or so pages on lawful access alone. The government is in the process of broadening the circumstances under which personal information can be obtained without a warrant and increasing the number of people who can access that information.

We know that the government alone has already made 1.2 million requests for information. I ask Canadians to imagine the impact that the change in definition will have on the number of requests for access to personal information made to telecommunications companies without transparency and without the need for a warrant.

This is a serious problem and I sincerely hope that the Conservatives and Liberals will take the first step in protecting Canadians' privacy today by supporting our motion to correct the flaws in the bill.

● (1215)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would also like to congratulate the member for Terrebonne—Blainville, who does a lot for her constituents. I witnessed that on a few occasions when I went to her riding. She is also responsible for some major files in the House. This is another example of her wonderful work.

We can see that the Conservatives do not really want to ask questions. Members will recall that, in the last election, the Conservatives complained about a census question and said that asking how many washrooms Canadians had in their homes was an invasion of privacy. The Conservatives said that it was not appropriate.

Since coming to power, they have submitted more than one hundred thousand, actually more than one million, requests for personal information to telecommunications companies. We do not even know what kind of questions were asked.

Today, when we are simply asking for a process and a mandate to be outlined, why does the member think that the Conservatives seem to be rather reluctant to prevent the type of abuse that has been taking place for some months?

Ms. Charmaine Borg: Mr. Speaker, I would like to thank my colleague for the question.

Indeed, this reluctance is very troubling. As we know, they are only supposed to request personal information in cases pertaining to national security. As I said in my speech, only two of the 18,000 requests from the Canada Border Services Agency pertain to national security.

If we demand transparency, perhaps we will discover that the requests are not just about national security. That is something I am wondering about as well.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am very pleased to rise today on this very important issue. The New Democratic Party calls for accountability and an explanation on behalf of Canadians into the widespread spying and interference of Canadians' Internet use and their cellphone use under the current government.

What we are asking for today is eminently reasonable. We are asking simply to ensure the powers of the Privacy Commissioner of Canada, the member who represents us as a parliamentary officer, who represents the Canadian people, and that she have the authority to ensure that the laws of this land are being followed.

Now, we have a government, of course, that will do anything it can to obstruct the work of the offices of Parliament because right now the offices of Parliament are about the only bulwark standing in the way of the numerous underminings of Canadians' legal rights, and even the illegal activities that are being undertaken by the Conservative Party.

Business of Supply

It has been said that one of the foundations of a democracy is to ensure maximum transparency for government and maximum privacy for citizens. However, the current paranoid and secretive government has flipped it. The Conservatives have maximum privacy for their black holes of administration where they refuse to answer the simplest questions, and they are getting maximum transparency on the lives of Canadian citizens to the tune of 1.2 million requests of telecoms last year.

Now that is a conservative number, and I say “conservative” in the way the Conservatives have begun to use this, because not all the telecoms bothered to even respond to the Privacy Commissioner of Canada. That is a very disturbing trend.

What does the 1.2 million requests mean? It means that every 27 seconds someone from a government agency, who, we do not know; for what reason, we do not know; for what possible motive, we do not know; picks up a telecom and asks for information about the private lives of Canadian citizens, and gets it without warrant.

Let us debunk the excuses we have heard from the Conservatives on this.

First is the bogeyman excuse. Conservatives use the bogeyman all the time. The bogeyman is out there roaming the streets. The member for Oak Ridges—Markham the other day made it sound like his neighbourhood was a case of *Shaun of the Dead*. There are these violent criminals and terrorists all over the place and so the Conservatives have to be able to call up a telecom immediately to gather any information they need whenever they want it.

Those laws already exist and it is fairly straightforward to get information if a violent crime is occurring. However, we are being led to believe that the bogeyman is out there and the current government has to stop it.

How does the government define terrorists?

I think we should say that, in this whole piece on spying, we are dealing with the revenge of Vic Toews. I refer members back to February 2012 when Vic Toews branded the new anti-terrorism strategy, “building resilience against terrorism: Canada’s counter-terrorism strategy”.

The government was going to go after terrorists, which included domestic extremism that is “based on grievances—real or perceived—revolving around the promotion of various causes such as animal rights...environmentalism and anti-capitalism”.

If a person is against the Northern Gateway Pipeline, under the current government’s framework, he or she is a potential terrorist. Therefore, the government can decide to follow his or her movements, as he or she is one of the bogeymen.

A concern about animal rights is not that of concern for animal rights such as our Prime Minister’s wife who tells us that 1,000 murdered or missing women may be a great cause, but they are here for abandoned cats. The government is probably not spying on the Prime Minister’s wife. However, someone else who might have concerns about animal rights, and it is in there, is a potential terrorist and worthy of picking up the phone.

One of the other excuses is that the Conservatives are not asking for anything that is not already the norm. It is just like picking up a phone book and looking up a number. Calling a telecom and demanding private information on Canadians is just like using a phone book.

The Privacy Commissioner of Ontario, Ann Cavoukian, says that is a load of bunk. She said the following about getting even basic subscriber information such as ISP numbers:

...customer name and address information ties us to our entire digital life, unlike a stationary street address. Therefore, “subscriber information” is far from the modern day equivalent of a publicly available “phone book”. Rather, it is the key to a much wider subset of information.

● (1220)

Then the Conservatives say, “Don’t you trust our police?” We certainly would trust the police. However, we also see that Ann Cavoukian has said that at no time have Canadian authorities provided the public with any evidence or reasoning that Canadian law enforcement agencies have been frustrated in the performance of their duties as a result of shortcomings in the current law. The privacy commissioners in their joint letter, also write to the Prime Minister saying, “The capacity of the state to conduct surveillance and access private information while reducing the frequency and vigour of judicial scrutiny” is the heart of the issue.

We all remember when Vic Toews stood up in the House and told Canadian citizens who were concerned about the fact that they were being spied on, that they were basically in league with child pornographers if they had the nerve to stand up for them. That was such a boneheaded move and it caused such a blowback on the government that they had to retract the legislation. Why would the Conservatives show intent on pushing that through? We now know, they were trying to legalize what has become the common practice. Their shadow world of spying on Canadians is not legal. Gathering this information without warrants is not legal. This is why they put forward Bill C-30, to attempt to deal with it. We all remember Vic Toews had one of those pieces, “The Minister may provide the telecommunications service provider with any equipment or other thing that the Minister considers the service provider needs to comply with” their ability to spy on Canadians.

That seemed like such a bizarre request at the time, but we have seen with the NSA and the widespread spying on American citizens and citizens around the world is exactly what Vic Toews was getting at, which is the ability to create mirror sites. The fact that we just learned in *Der Spiegel* that the NSA tapped the underwater cable network between Europe and U.S.A. to listen in on what ordinary citizens were doing on the Internet. The Conservatives have the same vision. They wanted to legalize that ability, and they were frustrated.

Business of Supply

We are hearing the biggest excuse from the Conservatives. They realize the Vic Toews approach of accusing ordinary Canadians of being like child pornographers really did not work, but now they would reassure Canadians that they would fix it. They will fix it all right. They will fix it so that not only they will get to spy on Canadians, but anybody who wants to will be able to spy on Canadians: corporations can spy on Canadians, and all manner of very dubiously named authorities now will be able to spy.

Let us go through some of the issues on Bill S-4 and Bill C-13. According to Michael Geist, Bill S-4 will “massively expand warrantless disclosure of personal information”, because under Bill S-4, “an organization may disclose the personal information without the knowledge and consent of the individual...if the disclosure is made to another organization”. Not the laws of the land, not the RCMP, not anti-terrorism units, but if an individual is in dispute with a corporation over some contractual obligation, it can call their telecom, have their information handed over and they will not be told.

The Conservatives will certainly fix it. They will fix it to make widespread snooping of everything we do all the time perfectly legitimate for any corporation that just phones up and says it wants to know what they are doing on the Internet.

That is not all. Let us look at Bill C-13, which will give a public officer or a peace officer the ability to call telecom, demand information, and the telecoms will receive legal immunity for passing over this private information.

An interesting article in the *National Post* points out that Rob Ford will now be able to make these requests, because, oh, yes, he is a public officer, and under the act, if Rob Ford wants to find out what his neighbours are doing, interfering with the drug gangs in Rexdale with whom he might be friends, he would actually be able to make the calls.

The Criminal Code describes these peace officers, public officers, as including Reeves of small towns, county wardens, who would be able to get information, and even people designated under the Fisheries Act. However, there is another element that is really important. Under the present laws, even with all this snooping that is going on, it has to be part of an investigation. The government would remove the caveat that says this snooping, this spying on the rights of Canadians does not have to have anything to do with an investigation. If the Conservatives want a fishing trip, if they want to keep tabs on them, they will be able to do so.

This needs to be dealt with. This is a government that is spying on law-abiding citizens and treating them as criminals, and it needs to be held accountable for this abuse of Canadians' rights.

•(1225)

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I would like to congratulate my colleague on his great speech. He mentioned that Bill C-13 will expand the abilities of government agencies and public officers, and even those of certain mayors and certain people in the fisheries department, which is somewhat odd. However, one thing it does is give legal immunity to telecommunications companies that decide to disclose voluntarily customer data.

Although this is a huge loophole in the law that we have created and today we are hoping that we can close this loophole through our motion, one of the things a telecommunications company might think before disclosing data is whether it could get in trouble, be sued, and so forth. That is the one little tiny threshold that we have in place right now. We are removing that with Bill C-13.

I want to ask my colleague this today. Is he scared that we might be creating somewhat of a quasi-governmental spying agency through telecoms?

Mr. Charlie Angus: Mr. Speaker, I want to point out to the folks back home that they have probably noticed that the Conservatives have gone to ground. They do not want to stand up. They do not want to ask questions. They do not want to be accountable for the fact that they believe that in Canada in 2014 anybody who calls about what one does on the Internet or about one's cellphone use should be allowed to get that information.

My colleague's question is excellent and right to the point. I would like to point out to her that not only does this vastly expand the ability of anybody, it seems they should have exceptions of who cannot call and get personal information on people, but the immunity provisions for telecoms will mean that nobody is ever going to check up. If police officer X wants to keep track on his ex-wife and who she is meeting, he just calls up. He does not need an investigation. The telecoms are refusing to hand that information over to the Privacy Commissioner.

Will there be abuse? There is going to be lots of abuse, but this abuse will now be perfectly legal. Right now it is not legal and it has been exposed by the Privacy Commissioner, but under the changes to the law, when the industry minister tells Canadians, “Don't worry, we're going to fix it”, they are fixing it all right; the immunity clauses will allow the transfer of private information of one's Internet use or one's cellphone use to anybody under any circumstances. It will not have to explain it and we will never know.

•(1230)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Mr. Speaker, my colleague is exactly right. We have a government that seems to have a bit of paranoia as to what is actually happening in the background.

To have 1.2 million requests for personal information is unbelievable. My colleague mentioned the government indicated that it would be willing to give any equipment needed to do that work, yet we have people who have a hard time getting their CPIC clearance until months later, when they should be going back to work. Is that not what the government should be doing, working to get people to work instead, and providing the police with the tools that it needs?

What are people doing already with this information? My colleague here from Hamilton East—Stoney Creek rightly pointed out a situation where someone had tried to travel abroad and was turned around because of her mental health issue that someone found out about. She did not have a criminal record.

Business of Supply

Why is the government going in this direction and not speaking up on the safety of Canadians and their privacy?

Mr. Charlie Angus: Mr. Speaker, we have to ask ourselves what is going on in this country when every 27 seconds some unknown person calls and demands information on ordinary Canadians, when this government is stonewalling an inquiry into over 1,100 murdered and missing aboriginal women.

We know in this country that under this government there are two kinds of victims, there are two kinds of criminals. It sits back and tells us that there is no need to investigate what happened to 1,100 young girls and young mothers who were kidnapped, disappeared, or were murdered. That is not of concern to it. However, it wants to know if someone is speaking up on Facebook against the northern gateway, under the 2012 designation that is considered part of its building resilience against terrorism, Canada's first counterterrorism strategy. The fact that it is using our police resources to spy on Canadians when it is failing in its fundamental duty to protect certain segments of our society just because they happen to be aboriginal, I find an abomination.

Hon. Steven Blaney (Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, I am proud and pleased to rise in the House today to speak on the important topic of the privacy of Canadians and public safety.

I will be sharing my time with the hard-working member for Chatham-Kent—Essex.

[Translation]

All governments are responsible for enforcing the laws and protecting national security, and they are also responsible for enabling law-abiding Canadians to live their lives without government interference. The government's role is to protect Canadians and ensure that their privacy is not violated.

[English]

It is always important to be mindful of this balance by ensuring that law enforcement has the tools it needs to do its job while law-abiding citizens continue to be free from any form of government harassment. It is with that in mind that I can assure the House that our government and I will strongly oppose the motion put forward by the NDP member for Terrebonne—Blainville.

• (1235)

[Translation]

I will strongly oppose the motion moved today since it does not provide any means of securing Canadians' information and it affects public safety.

Our Conservative government believes that protecting the privacy of law-abiding Canadians is very important. All government agencies, including those responsible for enforcing the law and for protecting national security, are always required to abide by Canadians laws, and that is what they do.

[English]

In fact, these agencies are subject to robust, independent oversight and review.

The Canadian Security Intelligence Service is subject to thorough review by the Security Intelligence Review Committee. SIRC is keeping an eye on CSIS. This committee has significant powers to review decisions and compel documents.

Additionally, it is made up of many eminent Canadians, including a former provincial NDP member, and it boasts as a former member the new premier of Quebec.

[Translation]

The new premier of Quebec was a member of the Security Intelligence Review Committee, which oversees the operations of the Canadian Security Intelligence Service. Just like former members of the NDP, these members are Canadian citizens who are responsible for ensuring that the agency giving information to the government is complying with the law.

The Royal Canadian Mounted Police is also subject to review by the RCMP Public Complaints Commission. These are independent agencies created by Parliament to ensure that public complaints about the conduct of RCMP members are reviewed fairly and impartially.

These two agencies ensure that everyone complies with the law. We even increased the powers of this RCMP oversight agency. Unfortunately we did not have the support of the New Democrats. People can count on our Conservative government to protect the privacy of Canadians and ensure their safety.

[English]

Now let us examine the type of information that the motion and the NDP are opposed to allowing law enforcement to access.

Only the most basic information, such as the name and phone number, may be released.

In all cases, this is done voluntarily, meaning that a company could decide not to co-operate at any time if it did not feel a certain request met the expectations of its customers.

[Translation]

This information is essential for compensating victims of wrongdoing and finding viable leads in an investigation. I am proud to be responsible for Canada's public safety. Every year, our department releases its annual report on the use of electronic surveillance.

[English]

Let me take this opportunity to clear up a misconception being advanced by members opposite. Any form of invasive surveillance, such as a wiretapping interception or looking at the content of any communication, requires a warrant. That is not what we are talking about today. We are talking about phone numbers, names, and addresses.

Let me be clear. What we are talking about today is voluntary disclosure by private businesses to law enforcement. That is the way this model works. This is a Canadian way, but it is also a standard practice that has taken place for many years. Indeed, it was implemented under the previous Liberal government, supported by the NDP, and we find it in G7 countries.

While we need to make sure the privacy of Canadians is protected, we must also ensure that those who break the law face the law, and face it with its full force.

• (1240)

[*Translation*]

That is why, since 2006, we have implemented over 30 measures to crack down on criminals, often without the opposition's support and even despite its interference. We want criminals to stay behind bars.

[*English*]

Unfortunately, the NDP has voted against such common sense measures. Let me provide examples of these measures: giving victims more information about convicted criminals, ending early parole for white collar fraudsters and drug dealers, cracking down on drug dealers who target our children. This is the law of the land, and I am proud to have supported those measures along with my Conservative colleagues. That is why Canadians know that only the Conservative government can be trusted to keep them safe.

We put a high priority on ensuring law enforcement can do its work, but this is not free-for-all information.

[*Translation*]

A spokesperson for Bell Canada recently said that Bell will provide law enforcement and other authorized agencies only with basic 411-style customer information such as name and address, which is defined as non-confidential and regulated by the CRTC. Any further information, or anything related to an unlisted number, requires a court order.

My colleagues are also going to talk about a measure that we put forward, a bill that seeks to ensure that Canada enters the digital era and that Canadians' privacy is protected while making sure that our security agencies are able to get the information they need to thwart plots and protect Canadians' lives.

It is a bit ironic that, today, we are debating a motion that seeks to restrict agencies' power and ability to protect Canadians, given that they have to follow the law.

[*English*]

I am proud to say that Canada is safer, more prosperous, and a better place to raise a family than it was prior to our government being elected in 2006. Over these years, it has been clear that this government is committed to protecting victims. It is committed to keeping criminals behind bars, but it is also committed to making the privacy of Canadians a target. That is why I will support our bill bringing Canada into the digital era, but I will oppose this motion.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I am very disappointed to hear that the government will be voting against such a crucial motion.

I would like to speak to certain elements of the minister's speech. He said that he will impose it because he wants to protect national security. That is all well and good, but we too want to protect Canada's national security; however, we want that process to require a warrant.

Business of Supply

I asked a written question of the government and every department. The Canada Border Services Agency alone submitted more than 18,000 personal information requests to telecommunications companies in a single year. Of those 18,000 requests, the agency was not entirely sure how many were made in each category because it does not really keep track of that data.

However, the minister spoke about a robust review system. Yes, there is oversight, yet just last week the Privy Council Office asked for more information from agencies and departments about all of those personal information requests. Clearly, the government does not understand the scope of the situation. How can the minister talk about an effective review system?

If those personal information requests were actually made as part of an investigation or something completely legal and legitimate, why not disclose that? Why not make these measures more transparent? Why not obtain a warrant?

• (1245)

Hon. Steven Blaney: Mr. Speaker, I would like to thank my colleague from Terrebonne—Blainville for giving me the opportunity to remind her that a warrant must be obtained if more specific information is required. That is the difference here because, as I indicated in my speech, this information is provided voluntarily in accordance with the law.

What I find surprising is that the New Democrats agreed with this 14 years ago. All of a sudden, they are changing their tune. I am disappointed because this has consequences. The Canada Border Services Agency is responsible for enforcing the law, and every year, some 250,000 people from all over the world want to come live in Canada because we have created the conditions for prosperity here. People can have a job, achieve their potential, raise a family. Unfortunately, some people take advantage of Canadians' generosity. That is why nearly 115,000 illegal immigrants have been deported since 2006.

I would like to congratulate the Canada Border Services Agency on its hard work. It has used the information we are talking about today perfectly legally to ensure the integrity of our immigration system.

[*English*]

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, Bill C-13, presently before committee, contains in it an immunity for the voluntary, secret, and warrantless disclosure of information by telephone companies. Bill S-4, presently before the Senate, expands the entities that can receive this information, so the two of them added together would result in greater lawful, warrantless, and secret disclosure of Canadians' subscriber information.

Does the minister not feel that Canadians have any right to know when and how their subscriber information is being disclosed to an increasingly broad audience?

Hon. Steven Blaney: Mr. Speaker, I thank the member. Like him, in a past life I used to work for veterans.

Business of Supply

The question he is asking is if it would comply with the law if, when I own a cellular phone, I am willing to share some basic subscription information. The answer is yes, and it is legal. However, if this is to be more detailed information, then a warrant is needed. There is no need to increase the legislation in that matter.

However, yes, there is a need, and that is why the Minister of Industry has brought forward a bill. The Privacy Commissioner, Chantal Bernier, has said this about the bill that has been brought forward by this government: "...there are some very positive developments for the privacy rights of Canadians..."

While maintaining safety first, we are bringing forward a bill that would increase the privacy rights of Canadians. This is the answer for my colleague specifically, and I would invite him to support the bill before the House and to continue to work at committee to ensure that the rights of Canadians are even better protected than they were before and that we continue to move on as the technology evolves.

• (1250)

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, I am pleased to rise in the House today to highlight the measures that our government has taken to protect the privacy of individual Canadians.

First and foremost, I would like to discuss Bill S-4, the digital privacy act. The bill would make important amendments to the Personal Information Protection and Electronic Documents Act, otherwise known as PIPEDA, with the express purpose of providing new protection for Canadians when they surf the web and shop online. PIPEDA was passed in the House of Commons in 1999 and implemented in 2001. There is nothing new about it, and there has been no mention from the opposition on amendments since that time. With Bill S-4, the government would implement new measures to better protect the personal information of Canadians.

Let me speak a little about PIPEDA in general. PIPEDA is our primary piece of legislation that lays out the ground rules for how private sector businesses collect, use, and share personal information. What kind of personal information are we speaking about? It includes name, age, banking records, shopping history, et cetera.

We know that this kind of information is gathered by many companies and organizations in the course of their day-to-day transactions. The fear, of course, is that in the wrong hands this kind of information can be exploited. In the worst cases, it is used to commit fraud, identity theft, or other harmful acts. To combat these kinds of malicious deeds, the digital privacy act would implement tougher rules to protect the privacy of Canadians.

Protecting Canadians is a major pillar of digital Canada 150, which the Minister of Industry launched last month, to help our country take full advantage of the economic opportunities of the digital age. Under the pillar of protecting Canadians, the digital privacy act would protect consumers online, simplify rules for businesses, and increase overall compliance with our privacy laws.

Before we tabled Bill S-4, the government consulted the Privacy Commissioner and got her views on how to best move forward with modernizing Canada's intellectual property laws. The minister spoke to her again before tabling the legislation. In fact, here is what she said about our digital privacy act and our efforts to best protect

Canadians online. She said she welcomed the proposals in the bill. She said this bill contains "very positive developments for the privacy rights of Canadians".

In addition, the NDP digital critic, the member for Terrebonne—Blainville, said this about our government's digital privacy act: "Overall, these are good steps. We have been pushing for these measures and I'm happy to see them introduced".

The first element I would like to touch on is a familiar one to Canadians in this digital age, data breaches. New rules in the digital privacy act would require organizations to tell Canadians if their personal information has been lost or stolen. As part of this notification, organizations would also have to tell individuals what steps they can take to protect themselves from potential harm, actions that could be as simple as changing their credit card PIN or email password. At the same time, the bill would require organizations to report these data breaches to the Privacy Commissioner of Canada. With the passage of the bill, organizations that deliberately break the rules would face significant penalties, of up to \$100,000 for every individual they fail to notify.

In keeping with the motion before us and its reference to the Privacy Commissioner, I would like to address the changes in the digital privacy act that would ensure that the Privacy Commissioner has the right tools to help protect Canadians' privacy. Bill S-4 would give the Privacy Commissioner the ability to negotiate voluntary compliance agreements with organizations. Under these agreements, organizations would make binding commitments to ensure the privacy of Canadians. This would allow organizations to be proactive and work collaboratively with the Privacy Commissioner to quickly correct any privacy violations that may have been discovered. In exchange, those organizations can avoid costly legal action. At the same time, the agreements would be binding and would give the Privacy Commissioner more power to hold organizations accountable in court and make sure that they follow through on promises to fix privacy problems.

• (1255)

The digital privacy act will also provide the commissioner with more power to name and shame companies that do not play by the rules. This will ensure that Canadians are informed and aware of issues that affect their privacy.

Business of Supply

Finally, the digital privacy act will extend the timeframe, to one year, for Canadians as well as the Privacy Commissioner to take a company to court. Under the current rules, the Privacy Commissioner has only 45 days. In many cases, this is not enough time for an organization to either voluntarily fix the problem or for the Privacy Commissioner to prepare a proper application.

At all times an individual's right to privacy, as guaranteed by the Canadian Charter of Rights and Freedoms, must be respected. Despite any exception provided for in PIPEDA, law enforcement agencies must respect the charter and have a warrant or other justification to obtain private information.

Equally important in any of these circumstances, nothing in PIPEDA forces a company to turn over private information to police, government agencies, other private companies, or anyone. PIPEDA protects privacy; it does not force companies to violate it.

Bill S-4 makes sure that organizations can share information with appropriate authorities in situations that would involve providing information that will allow police to contact and communicate with the family of an injured or deceased person, sharing information in order to detect and prevent fraud, or allowing organizations to report suspected cases of financial abuse to appropriate authorities. All of these exceptions are clearly defined, and limited to circumstances where sharing this information is in the best interests of the persons involved.

Here is an example. Let us say that a bank teller notices a regular customer, a senior citizen, has been coming in lately with another person who is unfamiliar to the teller. They are making more frequent withdrawals, for more money than usual. The teller witnesses the senior handing over the withdrawn cash to the unfamiliar person. Most tellers or financial institutions would like to have the power to inform appropriate parties of this situation, such as the police, public trustees, or the client's next of kin. At the moment, our privacy law prevents the bank from informing those people who could help. The digital privacy act will remove this barrier and make sure that suspected cases of financial abuse can be reported, and the interest of seniors protected.

The digital privacy act also creates new rules whenever an organization asks an individual for their approval to collect, use, or share their personal information. This new measure will establish stronger protection for the privacy of more vulnerable Canadians, such as children. As children and adolescents spend an increasingly large amount of time online, it is important that they clearly understand the choices in front of them before they hand over private information about themselves.

The digital privacy act strengthens informed consent. Informed consent means that individuals are not just told of what is being done with their information, but that they understand the potential consequences of clicking on yes or no.

This change will require organizations to clearly and plainly communicate with their target audience when asking for their consent to collect personal information. They will have to consider whether their target audience is able to understand the consequences of sharing their personal information.

I am very proud of this aspect of Bill S-4. Given the proliferation of iPads, laptops, and BlackBerrys among our youth, the stronger rules included in this bill will make sure that individual Canadians, in particular children and adolescents, can understand the potential consequences of the choices they make.

In conclusion, the elements of the digital privacy act that I have laid out today have been carefully thought out, with the best interests of all stakeholders in mind. Our government is confident that by better protecting consumers, streamlining rules for business, and increasing compliance, the digital privacy act will make Canadians safer and more secure.

The digital privacy act will strengthen Canada's privacy laws by making sure that Canadians are informed if their privacy has been put at risk, and by holding to account those organizations that deliberately break the rules.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, although I appreciate the fact that they are participating in the debate, I have to say that the Conservatives seem a little confused. This is not a debate on Bill S-4; this is a debate about an NDP motion to make the system for the disclosure of telecommunications information to government agencies more transparent.

I would like to ask my Conservative colleague the following question. It costs between one and three dollars every time a government agency or department makes a request for personal information from a telecommunications company. If we add that up, it costs at least \$1.2 million and as much as \$3 million every year. How can the member justify these costs to the citizens who elected him?

• (1300)

[*English*]

Mr. Dave Van Kesteren: Mr. Speaker, I suppose the short answer would be that it is the cost of doing business. The member is right. That is the cost of a request, and that would be the math.

However, we are talking about a term that we have heard repeatedly, that 99.3% of those requests are basic subscriber information. An example of that would be the police, for instance, wanting to have information that is pertinent to a certain case. It is critical that they obtain that information.

On a voluntary basis, this subscribed information can be given by whatever organization has that information, and I suppose there is a cost involved. The member is right; that would be cost.

However, I think Canadians understand that it is important for the protection of young people, children, and seniors that these measures must be taken.

Business of Supply

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, I am going to ask what the member thinks about how many warrantless requests are out because this is what the motion is about today. We will get to the bill before the Senate and the Privacy Act, but how many of these are warrantless requests, and what information does not require a warrant? We are talking about many times that requests for this information are made without a warrant.

The member talked about basic subscriber information. What exactly is basic subscriber information? Would the member be able to tell us what basic information is okay to be provided? There is a lot of debate about how far this basic subscriber information goes. What is basic subscriber information?

Mr. Dave Van Kesteren: Mr. Speaker, again, the short answer for basic subscriber information is a name, phone number, address, email, and IP address. Anything over and above that would require a warrant.

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the Conservatives are unable to protect people's personal information. They are responsible for thousands of their own violations and violations committed by various departments. How did the Conservative government have the nerve to introduce a bill such as Bill C-30 on online spying without a warrant?

Public pressure was required for the government to reverse that decision.

[English]

Mr. Dave Van Kesteren: Mr. Speaker, it has to be understood that this is a request that the service provider can reject.

I want to mention one thing. I have served in the House for eight years, and I think in the first four years we struggled with this issue with PIPEDA. During the course of evaluating PIPEDA, it was obvious that there had to be clarification. Bill S-4 basically looks after those flaws within PIPEDA that make it impossible for police to make the request, and not only for police, but the clarity in the law so that subscribers know whether or not they are allowed to give it. This clears the air in a lot of those areas that were so important to fix.

• (1305)

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, it is a pleasure to participate in the debate today and talk about what we have learned in the last few weeks from the Privacy Commissioner regarding how much information is being requested of government agencies and the frequency with which it is being requested. It is also about the backstops, what things are in place to ensure this stuff does not go unchecked. In a democracy we have Parliament and commissioners. We have a number of different backstops to ensure that people's information is protected.

We will be supporting today's motion. I have a similar motion before the privacy and ethics committee, because it is important that we dive into this issue in a bit more detail. It is quite troublesome to realize that when the Privacy Commissioner comes out with this type of information, she has no way of knowing if government agencies and telecommunication companies are following the rules and which government agency is involved.

I would like to quote an answer from the Prime Minister the other day because it is a bit out of step with what is actually happening. He said, "What we do understand is that various Canadian investigative law enforcement and other agencies...". Let me pause there for a moment.

What other agencies are we talking about? Are we talking about the RCMP and the Canada Border Services Agency? How broad does this go into the Canadian government? Are we talking about DFO when it does surveillance activities? Are we talking about Service Canada when it requests information on clients? We really do not know, so we really need to dive into what other agencies we are talking about here. The Information Commissioner does not know. Canadians have a right to know what government agencies are asking for this information.

The Prime Minister continued on, "...from time to time, request information from telecom companies". Time to time is hardly 1.2 million times. The statistics came from 2011. That would be every 26 seconds, 24 hours a day, 365 days a year. That is hardly from time to time. These agencies are asking for this information quite frequently and we need to know when and how and we need some oversight on these agencies.

The Prime Minister went on to say, "They always seek a warrant...". That is not quite factually correct either. It gets to the heart of the matter here.

There are warrantless requests and warrant requests. The ones that have a warrant involve an agency going to a judge, the judge reviewing the information and then disclosing a warrant for that information. Then there are warrantless requests.

There are two facets to this particular debate. The Prime Minister has said that the government always seeks a warrant when required to do so and it expects telecommunication companies to respect the law in all of their dealings. That gets to the heart of this issue. Which requests need a warrant and which ones are warrantless? What oversight is there for the warrant side of things.

We put a lot of trust in our judicial system. We expect our judicial system to respect the Constitution and the Charter of Rights and Freedoms with regard to people's privacy when it comes to a warrant. I have limited knowledge of what judges go through. I think they do fair due diligence when it comes to complying with a request from law enforcement or another agency to grant a warrant. I have confidence in our system that judges do that.

Business of Supply

Are there emergency circumstances from time to time that would require protecting the public from harm? Yes, and those are already dealt with in current legislation. Our current legislation is designed that way. If there is an immediate threat to life or national security, telecommunication companies are required to co-operate with law enforcement agencies without a warrant. We understand that. That is not where we are going with this. It is the staggering number of requests that have come in for this information that we are concerned about.

● (1310)

People listening to the debate might wonder what telecommunications companies we talking about. The commissioner revealed that she had asked 13 telecom and social media companies for information on how often they were getting requests. The 13 companies she asked, on the telecommunications side, were Bell, Telus, Rogers, Shaw, SaskTel, Globalive. On the social media and companies on the other side, there were Microsoft, Facebook, Apple, Google, Twitter, eBay and RIM. Out of that, nine responded anonymously through their lawyer.

That runs a red flag up the flagpole. If they are being so open and accountable, why do they need to go through their lawyer to reveal this information to the Information Commissioner? Would they not want to be transparent and open about that? What is even more staggering is that out of the 13, 4 companies did not bother to respond at all to the Privacy Commissioner.

It goes to the point that our Privacy Commissioner needs to have the tools and the teeth to compel these companies to release this information to her so her office can make a judgment. This is really about oversight. There is no oversight and there is no court oversight. As I said earlier, we have to take it to the warrantless and warrant disclosures and really get to the bottom of this.

One of the things that we have talked about today, and I asked a question on it a bit earlier, is basic subscriber information from an ISP, Internet service provider. What basic information was allowed in this legislation when other legislation was put into force? What is being provided and how far does it go? I asked the question a minute ago and a member of the government said that it was name, address, phone number, email address and IP address. One's IP address is a pretty detailed piece of information about oneself, because it can detect a lot of information about where we go, what we send. I am no technogeek, nor do I know enough about technology, but I know an IP address is pretty substantial in the information it provides about a person.

Experts in this matter also say that it goes even further than that, that it goes into transmission data or metadata, as they call it, that it is not only this basic information but they are interpreting this to go beyond that basic information. I learned about metadata from an article I was reading this morning. I believe it was Mr. Geist who was the expert so I will credit him to where I learned it. With metadata, it is like saying to Canada Post, "What is the information on the outside of the envelope? Where is it going and whom it has come from". That is what is also being provided on our basic information. It is communication to and from and at which time. That is some of the basic information they are requesting.

It goes a bit deeper than that, and that is why we need to support this motion. We need to continue this debate and really get an understanding of the facets of this. As parliamentarians and as people protecting the public interest, we cannot just take the word of government or of our law enforcement agency. There need to be some checks and balances into this. All members should genuinely think this is very worthwhile issue to dive into to find out what is going on. I would be the first one to admit that hopefully it is all above board. Hopefully, the information it is providing on warrant is being done in a truthful and open manner and on the warrantless side of things as well. We should not hide under the guise of public safety and all that. It is our due diligence to really dive into this issue.

● (1315)

Another thing brought up this morning was the privacy bill that was in the Senate. There is a lot we could talk about that is coming forward in that legislation, but we should not confuse this issue today with the legislation before the Senate. These are two separate types of information and two separate things altogether. We should be very careful not to combine the two and muddy the waters.

The motion before us today is pretty clear. It talks about making public the number of warrantless disclosures made by telecommunications companies, the requests from federal departments and agencies and closing the loophole that allows indiscriminate disclosure of personal information.

The motion is pretty specific and something that needs further study. I hope we can study it before the privacy committee as well to see if it warrants more investigation and legislation.

It is a pleasure to support this motion and I hope all members do so.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, what is being debated in the House of Commons is the need to ensure oversight, to protect the rights of Canadians and to ensure the laws are being applied.

That would be a fairly straightforward thing for any normal government to support. Unfortunately, it seems the current government is very threatened by anybody establishing any basic standard of accountability, which is why the Conservatives continually undermine and attack the officers of Parliament.

For the folks back home, the officers of Parliament have the role of protecting the basic rights of Canadians. Therefore, as New Democrats, we have brought forward a motion to ensure that the Privacy Commissioner of Canada has the tools to find out, when every 27 seconds somebody is spying on Canadian citizens, what the basis of that is. Why are they snooping and demanding this information?

For the government to not want to give that information out and for the telecoms to refuse to co-operate is very disturbing.

Business of Supply

I would like to ask my hon. colleague what he thinks it says about the culture of secrecy and obstruction within the government that it wants to deny the officer of Parliament whose job it is to ensure laws are being applied fairly and being complied with. The government wants to keep her from doing her job of defending the rights of Canadians.

Mr. Scott Andrews: Mr. Speaker, it is sad see, and we see the government more and more often go in camera, go into secrecy.

We are here to dive in and ask questions. Do we get political, aggressive and try to get a “gotcha” moment? Yes, we do, but something such as prying into people's information every 27 seconds is serious, and we need to protect that.

If our agents of Parliament, as was described, do not have the authority, the teeth, to do it, and we cannot do it, then who does it? Do we just toss our hands up and say that we will hand the information over?

The other aspect is, as the member mentioned, where does this information go after it is provided? Who is the caretaker of this information? When someone calls and says that he or she needs to know some basic information about somebody and it gets put into a database or file, where does it go? How does that information get protected? How does the privacy and information get protected?

This is another question to ask. The 1.2 million times information was requested, it was written down somewhere. It was typed into some computer somewhere. How do we know that information is being protected once it leaves the hands of these telecommunication companies?

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the comments from my Liberal colleague. He posed some very valid questions that all of us should be very concerned about.

In his comments, the member talked about a standing committee of the House where maybe we would be able to get some of answers to the questions he posed. There is a great deal of merit in exploring this issue in a more formal fashion. I know he is a member of a standing committee. What better way than to have a standing committee examine this issue?

We should take into consideration that over the last number of years technology, whether on the issue of identity theft or privacy concerns over the Internet, is more and more on the top of people's minds. We need to do more work on that.

Could my colleague provide some further thought on the important role that a standing committee could play in looking into this matter in a more in-depth fashion?

• (1320)

Mr. Scott Andrews: Yes, Mr. Speaker, the committee has been doing some work on these and other issues. It just finished a study on protecting people's privacy online. We quickly learned through that particular study that the laws were made years ago, even if it does not seem that long ago, and technology moves pretty fast. Things change rapidly. There is more technology and there are more things happening. Our laws need to keep up to date with changing technology and also not be too restrictive. We have to keep an open

mind. People's levels of privacy have changed over the years. We have to keep that in mind too.

We have to make sure that the independent agents of Parliament, such as the Privacy Commissioner, the Information Commissioner, and the ethics commissioner, have the tools. If people do not trust us with safeguarding the information, they should trust them. We put our trust in them, since we select them.

The committee is a very good place to do this and to do it on a non-partisan basis. We are studying the issue of identity theft right now in committee. It is a very important and prudent study. We are learning a lot about it. If we can do that in a non-partisan way and tone down the rhetoric, it can happen.

Last week, the Information Commissioner said that this is something that needs to be addressed. We have a duty, as politicians and parliamentarians, to dive into it.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is interesting to me that some time ago, when the current government cancelled the long form census, one of its arguments was that it felt that the census was an indefensible violation of Canadians' privacy rights. Many of us disagreed with that, but that was certainly one of the lines I heard from the government repeatedly. However, here we have discovered that over a million times a year, the government is permitting the private information of Canadians, without their even knowing about it, to be divulged by telcos to government agencies.

I am wondering if my hon. colleague sees the same hypocrisy and contradiction I see and if he has any comment on what that says about consistency in government policy.

Mr. Scott Andrews: Absolutely, Mr. Speaker. Census information, vital information that is provided to government to make good government policy and to plan the future of our country, was deemed an intrusion into people's privacy. The census asked how many rooms were in people's houses, and the government said we should not know about how many rooms are in people's houses. However, basic subscriber information, such as IP addresses, people's addresses, and all that, is fair game. That can be done without a warrant.

The real issue is the warrantless side of this. How often does it happen? What are the agencies? Is Statistics Canada one of the agencies asking for this information? We do not know. The Information Commissioner does not know what government agencies are asking for that information. On the warrantless side, Conservative members should look back and reflect on the stand they have taken on other issues about people's privacy and take this one on with vigour as well.

Business of Supply

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, on April 24, the Privacy Commissioner revealed that telecommunications companies disclosed an enormous amount of personal information to the RCMP, the Canadian Security Intelligence Service and others.

The question that I would like to ask the member is this: why did they not begin setting standards in 1980 so that this sort of thing would not be happening today?

[English]

Mr. Scott Andrews: Mr. Speaker, the Information Commissioner is the one asking for the authority so she can dive into it and see what standards need to be put in place. A number of standards have been recommended over the years, but they have not found their way into legislation.

A lot of the telecoms do business with government. They are government regulated, so they are not going to ruffle too many feathers when someone asks for some information. They are going to provide the information. It is not their responsibility to be judicious about the information, even though they have some responsibility.

There needs to be oversight. This is why the Information Commissioner exists. When she puts her hands in the air and says that she simply does not know what is going on, that should raise concerns. What we need to dive into is why the Information Commissioner does not know what is being requested.

* * *

● (1325)

PRIVILEGE

REMARKS CONCERNING LISTING OF TERRORIST ENTITIES

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, I rise to respond to the question of privilege by the member for Malpeque. It is particularly important for me to clarify this issue on the eve of Independence Day in Israel.

While I appreciate that the member opposite may like to revisit history around this topic, he is wrong on both facts and procedure.

In 2002, the previous Liberal government was asked nearly two dozen times to recognize the fact that Hezbollah was a terrorist entity. Time after time, we were told that the Liberal government would not proceed on this matter. On April 10, 2002, Bill Graham, the former Liberal minister of foreign affairs, said, “There is a dimension of Hezbollah...with whom we will work”.

Further, on December 2, 2002, the member for Malpeque said that more research was required to determine whether Hezbollah was indeed a terrorist entity.

It is very clear that the only reason Hezbollah was ultimately listed as a terrorist organization by the previous Liberal government was as a result of pressure applied by Conservative colleagues, not the desire of the member for Malpeque to do the right thing.

Additionally, the matter raised by the member for Malpeque could not constitute a prima facie case of a breach of privilege.

O'Brien and Bosc states quite clearly:

If the question of privilege involves a disagreement between two (or more) Members as to facts, the Speaker typically rules that such a dispute does not prevent Members from fulfilling their parliamentary functions nor does such a disagreement breach the collective privileges of the House.

As Speaker Jerome concluded in 1975:

...a dispute as to facts, a dispute as to opinions and a dispute as to conclusions to be drawn from an allegation of fact is a matter of debate and not a question of privilege.

In conclusion, I stand by my comments made in this House April 30, 2014. I thank the member for Malpeque for allowing me this opportunity to further elaborate on them.

The Acting Speaker (Mr. Bruce Stanton): I thank the hon. member for Winnipeg South Centre for her additional comments on the matter.

Resuming debate, the hon. member for Pontiac.

* * *

[Translation]

BUSINESS OF SUPPLY

OPPOSITION MOTION—SAFEGUARDING OF PERSONAL INFORMATION

The House resumed consideration of the motion.

Mr. Mathieu Ravnignat (Pontiac, NDP): Mr. Speaker, I have the honour of rising in the House on behalf of the people of Pontiac to support the opposition motion moved by my hon. colleague, who does an excellent job when it comes to protecting the privacy of Canadians in the digital age.

I will be sharing my time with the wonderful member for St. John's South—Mount Pearl, who tells me that his riding is the most beautiful in the country. However, I have to disagree with him because surely Pontiac is the most beautiful.

● (1330)

[English]

The subject of this motion could not be more important: the privacy of Canadians. The good people of the Pontiac are as concerned as other citizens that the increasingly technological world we live in should respect the privacy of individuals. This privacy may be breached in all sorts of ways today, but governments, as well as companies, have a fundamental responsibility to ensure that they protect the private lives of Canadians.

To me, the privacy of Canadians is sacrosanct. We are a G7 country where democracy has been stable, and we have a duty to our fellow citizens in this regard. However, we must remain constantly vigilant when the government begins to creep into the lives of Canadians. This is a slippery slope in any democracy, and certain inherent dangers exist in the sharing of private information with the government. This begs the question: what limits are imposed on governments today when they request information that is not voluntarily given by Canadians?

Business of Supply

We have learned recently that Canadian law enforcement agencies have begun to request massive amounts of information on Canadians from telecommunications companies. Due to advances in technology, it is the telecommunications sector, and providers in particular, who collect massive amounts of data about their subscribers.

What is worrying is that this is not the first time we have heard this. In 2011, according to the Privacy Commissioner, telecommunications providers responded to 1,193,630 requests for the personal information of Canadians. That is an average of one request every 27 seconds. This does not even cover it, since only three of the nine major telecom companies actually informed the commissioner's office of how many times they granted the government's request for consumer data.

Of this staggering number of requests, figures provided to the office in late 2011 show that wireless telecom companies complied with the government's request for customer data, and the vast majority of these requests were done without a warrant or even information sent to the individuals concerned. No consent was sought, and no consent was given.

The situation is so bad, and so many requests have been made, that one major company actually had to install a mirror of their data on a network so that it could send this raw data traffic directly to the federal authorities requesting it.

A concerted government response is clearly required and urgently needed to protect the privacy of Canadians. Instead, seemingly to have an increased amount of information on Canadians, the government has actually eroded the protection of the privacy of Canadians since it formed government. Whether this has been on purpose or by accident, we can judge the consequences.

For example, it has consistently refused to update any of the laws that keep the government accountable with regard to the privacy information of Canadians. The privacy laws have not been updated since the 1980s. That was before Facebook. In fact, the Internet was in its infancy back then. We have to do better.

By allowing thousands of breaches of personal information, the government has also consistently shown itself to be incapable of adequately protecting Canadians' privacy within its own departments, as we have seen with the recent Heartbleed situation or as one can recall from the letter debacle at the CRA. Contradictions abound, because under the pretext of protecting the privacy of Canadians and while decrying heavy-handed government, the industry minister argued that the long form census was intrusive and eliminated it, yet the government sees nothing wrong with invading Canadians' private information without a warrant and without even telling them.

It has repeatedly introduced legislation that makes it easier for Conservatives and the government to snoop on Canadians. For example, we can remember the public safety minister's introduction of the infamous Bill C-30, known as the online snooping bill. Fortunately, Canadians were paying attention. They were outraged, and the government was forced to back down. Since then, though, Bill C-13, the government's cyberbullying law, though well-intentioned, includes lawful access provisions that would expand warrantless disclosure of information to law enforcement by giving immunity from any liability to companies holding Canadians'

information if they disclose it without a warrant. This makes it more likely that companies would have to hand over information without a warrant, as there are no risks they would face or any criminal or civil penalties if they do so.

We can also mention Bill S-4, the new so-called digital privacy act, which would go even further and allow private sector organizations to hand over Canadians' private information. This again could be done without consent and without a court order to any organization investigating a breach of contract or potential violation of any law. This could also be done in secret, without the knowledge of the affected person.

We may, quite reasonably, ask why the government is not taking the privacy of Canadians more seriously. Where is the libertarian zeal that motivated so many of my colleagues on the other side of the House, the idea that government was too big and too intrusive in the lives of Canadians? The reality is that government has crept more into the lives of Canadians under the watch of this government than at perhaps any other time in Canadian history.

Many questions remain unanswered. The citizens of my riding would like to understand why breaches to their privacy are happening more and more frequently. The onus is on the government to prove there is enough crime or potential terrorism or other matters of national security to justify 1.2 million requests for personal information in a single year.

However, what concerns me the most is the lack of due process. It seems to me that when law enforcement agencies decide they want private information on citizens, at the very least there should be a good cause for them to seek it. In our current situation, that determination is assured by the warrant process. If a request does not meet the requirements of a warrant, then it should simply not be made.

Since I am short on time, I will skip ahead. Essentially, Canadians have a right to know who is snooping on them and how they are doing it. I just do not understand why the Conservative government does not simply come clean with Canadians and give them the whole picture of what is really going on. On our side of the House, we want this information to be provided to Canadians as rapidly as possible.

●(1335)

[*Translation*]

Canadians understand that law enforcement agencies need information to track down criminals.

However, the fact that the government is requesting Canadians' personal information from telecommunications companies without a warrant 1.2 million times a year is completely unacceptable. The problem with warrantless disclosure is that it is uncontrolled and results in information being disclosed much more frequently than is justified.

In conclusion, it is clear that our privacy laws need to be updated in order to better protect Canadians' personal information. These laws must not be weakened. We need to be able to take effective legal action against criminals without infringing on the rights of law-abiding Canadians and treating them like criminals.

• (1340)

[English]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is important that we recognize that through the Privacy Commissioner we know a request went in, I believe, back in 2011, and inquiries of some nature were put in place for literally hundreds of thousands of Canadians from coast to coast to coast. As a result, when information about those individuals was requested, it would have been given, and we do not necessarily know what authority put in the request.

My question for the member is this: how can we do more to try to get a lot of unanswered questions answered? One suggestion I have is for a standing committee of the House to study the issue more in depth to try to get a better understanding of the inquiries made into those hundreds of thousands of Canadians. Would the member concur that this is an important issue that we should be further exploring at great length?

Mr. Mathieu Ravnat: Mr. Speaker, my hon. colleague's question is very pertinent. He will find agreement in my case that this issue should indeed be studied by a standing committee in great detail.

What concerns me is that this is perhaps just the tip of the iceberg. There may be private information being used across the board by the government, and abuses can easily creep in.

Given the post-digital world that we live in, the whole apparatus of government has to be looked at with regard to ensuring the privacy of Canadians: how we are doing it, whether we are doing it well, where we are doing it and where we are not doing it, which ministries are doing a good job and which ministries are not doing a good job. The place to determine that is in a parliamentary committee.

[Translation]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I thank my honourable colleague from Pontiac. He was right about everything in his speech except for when he said that Pontiac is the most beautiful riding in the country. I believe that Trois-Rivières is, but all kidding aside.

This morning's papers informed us that the Prime Minister's Office seems to have launched an internal investigation in order to measure the appetite of the various government departments or agencies for the requests for information that we have been talking about for the past few hours.

According to my colleague, is the government unaware of the situation, or does the right hand have no idea what the left hand is doing?

Mr. Mathieu Ravnat: Mr. Speaker, I thank my honourable colleague for his question. I am sure he will not be surprised to hear me say that I totally disagree with his statement that the riding of

Business of Supply

Trois-Rivières is the most beautiful. I maintain that Pontiac is the most beautiful, but we can discuss that another time.

I am surprised at the Prime Minister's response on this matter. The facts are compelling. They show that there is a structural problem within the government when it comes to protecting Canadians' data and privacy.

Canadians expect a much tougher stance from this Prime Minister. He must recognize the problem and agree that it needs to be studied in a non-partisan context, as in a parliamentary committee, and immediately take measures to protect Canadians' privacy.

[English]

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Mr. Speaker, I stand in support of the motion by the hon. member for Terrebonne—Blainville.

The motion calls on government to make public the number, and just the number, of warrantless disclosures made by telecom companies at the request of federal departments and agencies. The motion also calls on government to close the loophole that has allowed the indiscriminate disclosure of personal information of law-abiding Canadians without a warrant.

To simplify, how many times have telecom companies handed out personal information about Canadians without a warrant to government? The government must find an immediate way to shut down the loophole that allows such personal information to be released.

We live in an incredibly connected world. Earlier this year I travelled to Tanzania, Africa, to tour Canadian development projects with a group called Results Canada. Its mission is all about ending extreme poverty, and I did see some extreme poverty. One of the images that will always stick with me is walking into a maternity ward at a rural hospital, or what they called a hospital. The maternity ward was crammed with nine or 10 beds, but there were two women in labour to a single bed.

The Tanzanians I met were the finest and best kind of people, a lovely people, but they were living with basically nothing. Still, almost every adult I came across, who could have absolutely nothing but the second-hand clothes on their back and be sleeping under a tree, still had a cellphone, and they looked at the screens as often as we do.

My point is that from Tanzania to Mount Pearl, Newfoundland and Labrador, my neck of the woods, the dependency on the Internet and on cellphones is universal.

Just this weekend I read an article by Stephen Hawking, the Nobel Prize-winning physicist, on how artificial intelligence—and we are almost to that point—could be the worst thing to happen to humanity. It would be more or less the rise of the machines. I cannot even imagine a country being led by a robot.

Oh, wait; yes, I can.

Business of Supply

Another article I read this weekend outlined how U.S. intelligence whistle-blower Edward Snowden has warned that entire populations, rather than just individuals, now live under constant surveillance. I do not know if it is to that point in Canada, but we do have some serious cause for concern.

Let us look at the numbers first.

In late April, we learned that government departments and agencies—the RCMP, Canada Border Services Agency, and CSIS, the Canadian spy agency—requested personal information from telecom companies almost 1.2 million times in 2011 alone. That is staggering. It is a jaw-dropping rate. As the previous speaker said, it is one request every 27 seconds.

However, the number of requests for personal information is most likely greater than 1.2 million, because three of nine telecom companies told the Privacy Commissioner how many times they granted the government's requests for customer data, not how many times the government asked for the data. It was how many times they gave the data.

It is reported that wireless telecom companies complied with the government's requests for customer data at least 785,000 times. The 2010 data from the RCMP show that 94% of requests involving customer name and address information was provided voluntarily without a warrant.

Here is another indicator of how often warrants were used or not used. Canada Border Services Agency obtained customer data from telecom companies 19,000 times in one year, but it obtained a warrant in fewer than 200 of those cases.

Do Canadians have a problem with telecom companies handing out their personal information left, right, and centre? Yes, we do. This is not *1984* or *Brave New World*. The idea of a Conservative Big Brother does not sit well with Canadians.

That said, it is generally understood across the board that police need information to catch criminals and to protect Canadian society. There is no time to get a warrant when a life is in danger, when a life is in jeopardy.

• (1345)

However, this is beyond that. At least 1.2 million requests for personal information, most times without a hint of a warrant, is a staggering statistic. The current Conservative government is paying to access our personal information, to the tune of between \$1 and \$3 for each request.

More than two years ago in this House, the former minister of public safety, Vic Toews, introduced Bill C-30, a bill to expand police surveillance of the web. At the time, he said “[You're either] with us or with the child pornographers”. That statement got the attention of all of Canada, and the immediate and appropriate backlash forced the Conservatives to back down, to walk away from the bill.

Since that outrageous bill was dropped and Toews was appointed to the Manitoba bench—but that is another story—the current government has introduced other legislation to this House that it says will protect the privacy of Canadians. In fact, the legislation may

actually increase spying on Canadians without a warrant. The first example, Bill C-13, is a bill that is aimed at tackling cyberbullying and is expected to expand warrantless disclosure of Internet and cellular subscriber information to law enforcement agencies. Another example is Bill S-4, the digital privacy act, which would extend the authority to disclose subscriber information without a warrant to private organizations, not just law enforcement agencies.

The government has a bad habit of doing through the back door what it cannot do through the front door. The current government also has some hypocritical tendencies. On the one hand, the Minister of Industry argued that the long form census was intrusive, so the Conservatives eliminated it. On the other hand, this administration has no qualms and sees nothing wrong with invading the private information of Canadians and not telling them about what it is doing. It has repeatedly introduced legislation that would make it easier for Conservatives to snoop on Canadians.

Here is another example of hypocrisy. This country's information watchdog has said that it has been flooded with complaints that the current Conservative government is too often citing security in order to withhold documents requested under the Access to Information Act. The Conservatives are using the security excuse to withhold public information at the same time that the floodgates are open on the personal information and security of Canadians.

We live in an age when technology is advancing at an incredible pace and rate, yet the Privacy Act that is meant to protect the privacy of Canadians and keep government accountable has not been updated since 1983. That was before the Internet, Google, email, Facebook, and Twitter. Another act, the Personal Information Protection and Electronic Documents Act, has not been updated since 2000, also before social media was born.

New Democrats believe that privacy laws should be modernized. We also believe they should be strengthened, not weakened, to better protect the personal information of Canadians. We also believe we can pursue bad guys and throw the book at them without treating law-abiding Canadians like criminals and violating their rights.

I will end with words from Edward Snowden, the former U.S. intelligence contractor, who said last week that state surveillance today is a euphemism for mass surveillance. He said:

It's no longer based on the traditional practice of targeted taps based on some individual suspicion of wrongdoing. It covers phone calls, emails, texts, search history, what you buy, who your friends are, where you go, who you love.

In so many ways, the Internet and social media are the new frontier. They are still the new frontier. It is our duty to ensure that laws and security do not fall to Big Conservative Brother.

Statements by Members

● (1350)

Hon. Michelle Rempel (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, let me start by saying that Canadian privacy is something that we should all be very concerned about as parliamentarians. I certainly am.

However, what we are talking about today is basic subscriber information, and that is defined as name, address, telephone number, email address, or IP address. It is not the content of their communications.

What is this information used for? It is used by authorities for things like investigating Internet fraud or other online crimes, notifying next of kin after a traffic accident, addressing suicide threats over crisis lines, returning stolen property to rightful owners, or investigating threats posted on or sent over the Internet.

Given the definition of basic subscriber information and what it is used for, I wonder if my colleague can name, succinctly, with one word, one other jurisdiction in any western country that needs a warrant to obtain this information.

● (1355)

Mr. Ryan Cleary: Mr. Speaker, I do take the member up on the first point that she made. All Canadians should be concerned about privacy. All Canadians may be concerned about it, but the Conservative government is definitely not concerned.

I mentioned two bills, Bill C-13, the bill aimed at attacking cyberbullying, and Bill S-4, the digital privacy act. Both of these bills expand warrantless disclosure of Internet or cellular subscriber information to law enforcement.

There is no oversight. The Conservative government does not have a grip on the laws of social media.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is important to recognize that with the phenomenal growth in technology, particularly in the whole Internet area, Canadians are becoming more concerned about identity theft and privacy.

With respect to the issue we are debating here today, numerous companies were requested to provide information to agencies, but we do not know which agencies per se. We do know that approximately 750,000 Canadians were affected in one year. We do not know who their private information, such as name, address, phone number and email address, was provided to. We do not really know what happened with that information once it was collected.

Does my colleague not think that this is something the government itself should be taking more seriously? Would it not want to get more information as to what is happening to the information being requested? Would it not want to know the circumstances around which that information is being collected, and so much more?

Mr. Ryan Cleary: Mr. Speaker, when the private information on 750,000 Canadians is released and the government has no policies or procedures governing the release of that private information, even if it is a name, phone number, or address, that is obviously a problem that needs to be addressed.

[Translation]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, if I understand correctly, if the Conservatives had their way, then perhaps even a mayor could request information on someone. In that case, we would not have to worry about Big Brother so much as Big Mayor. Indeed, if a mayor can have access to the name and address of the owner of a compromising video in order to rip his head off, then we really have a problem.

I would like my colleague to say a few words about that.

[English]

Mr. Ryan Cleary: Mr. Speaker, the member brought forward a good example about being worried about “Big Mayor”, but all Canadians are more concerned about Big Conservative Brother. This comes back to having no policy and no procedure in place with respect to the release of information, from telecom companies to government departments. We need procedure and we need policy.

STATEMENTS BY MEMBERS

[English]

PUBLIC HEROES AWARDS

Ms. Roxanne James (Scarborough Centre, CPC): Mr. Speaker, on April 23, I was pleased to attend the 2014 Intercultural Dialogue Institute's GTA Public Heroes Awards ceremony, in support of the brave men and women who serve our communities in police, fire, and EMS services.

As the spouse of a Toronto firefighter and the daughter of a retired Toronto police officer, it was an honour to participate in the event and to present the first lifetime achievement award to Chief Mike Ewles, Durham Regional Police Service.

In addition to this award, I would like to acknowledge all recipients: from Toronto EMS and York Region EMS, Glen Gillies and Chris Spearen; from Toronto Fire Services and Central York Fire Services, Jeffrey David and Shaun Mitchell; and from Toronto, Durham and York Regional police services, Stephen Hicks, Terry Rayner, and Kolin Alexander.

As well, a special honorary award was given in memory of John Zivcic, Toronto Police Service.

I invite all members of the House to join me in honouring these remarkable individuals and thanking them for their service to our communities.

* * *

● (1400)

FOOD SAFETY

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, keeping our food safe is a basic obligation of government.

Statements by Members

However, there is no credibility to the claim that horse meat in Canada is safe. Unlike the cattle and pork industry, horses are not raised or inspected from birth in an agriculture industry with an intention to produce food for humans.

Due to the nature of the equine industry, the majority of horses in North America are administered with drugs throughout their lives that are toxic to humans. No safe withdrawal periods have been set for many equine drugs, such as wormers, fly sprays, and anti-inflammatories such as phenylbutazone.

I would never risk feeding horse meat to my family and friends. According to Canadian, U.S., and EU regulations, any administration of unapproved or prohibited drugs renders a horse's meat unfit for food, regardless of whether or not residue testing comes up negative.

My bill, Bill C-571, would make horse meat safe, by requiring a lifetime record of medications for horses that are sent to slaughter. I urge my colleagues to help me get this bill to committee for a thorough debate on this important food safety matter.

* * *

MOTHERS

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, I had a great kindergarten teacher, but I can honestly say that everything I ever needed to know to be successful in life, I learned from my mother.

She taught by example. She taught by instruction. She taught through love and patience. I have found these same qualities of selflessness, compassion, hard work, laughter, and love, in my wife, the mother of my four children.

The most important thing a father can do for his children is to love their mother and to teach them to treat her with the utmost respect and reverence.

Violence against women is not compatible with respect for mothers. True honour and respect for mothers translates into respect for girls and women, daughters and wives.

I stand today to honour the two most important women in my life, my mother and my wife.

* * *

[*Translation*]

SAINT-LUC-DE-VINCENNES PARISH

Ms. Lise St-Denis (Saint-Maurice—Champlain, Lib.): Mr. Speaker, in 1864, before Confederation, the Saint-Luc-de-Vincennes parish was established in Mauricie, one of the most beautiful regions in Quebec. The agricultural traditions of the Les Chenaux area have been handed down in the village, which is now facing the challenges of the 21st century.

The pioneers understood the importance of putting down roots to make this country prosper. The years passed, bringing the turmoil of economic crises and the excitement of political change. However, the village has continued to uphold rural values.

We salute the people who established Saint-Luc-de-Vincennes and also those who, today, are committed to maintaining its vitality and

values. Municipal officials, church officials, community stakeholders, entrepreneurs and farmers all play a key role in ensuring the prosperity of the municipality.

* * *

[*English*]

IRONWORKS DISTILLERY

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, Ironworks is a micro-distillery located in the old port of Lunenburg, on Nova Scotia's historic south shore. It was founded in 2009 by Pierre Guevremont and Lynne MacKay.

The name Ironworks comes from the 1893 heritage blacksmith shop, Walters, that the distillery is housed in. Ironworks is producing rum, vodka, and brandy where blacksmiths once produced everything from marine hardware to axes.

At this year's World Drink Awards, announced in London, United Kingdom, Ironworks Distillery walked away with their hands full. Ironworks' Bluenose dark rum was named the world's best dark rum for 2014. Ironworks' Pear Eau De Vie won the world's best brandy and best fruit brandy. The company's apple brandy received the world's best apple brandy and best design.

In Nova Scotia, we like rum. As a matter of fact, we like it a lot. Now we have the world's best.

Congratulations, Ironworks.

* * *

● (1405)

BATTLE OF YPRES AND BATTLE OF THE ATLANTIC

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Mr. Speaker, over the last two weekends, I have had the pleasure of representing my riding at two important events honouring our veterans and their fallen comrades spanning both world wars, the Battle of Ypres during the First World War, the war to end all wars, as it was known then, and the Battle of the Atlantic.

I would like to note that legion 4 in Verdun is the only legion in Canada that still holds ceremonies honouring those who fought and fell in the Battle of Ypres, hosting many Montreal island legions, including legion 127 in Pointe-Saint-Charles, and boasting the proud presence of the piper corps of the Black Watch, the members of the Montreal legions did their comrades proud; so too did the participants of yesterday's ceremonies at the Battle of the Atlantic.

I was proud to represent my riding and the NDP and stand with our veterans. I was proud to let them know that they matter.

MENTAL HEALTH WEEK

Mr. Ben Lobb (Huron—Bruce, CPC): Mr. Speaker, I rise in the House today to bring awareness to the Canadian Mental Health Association's 63rd Annual Mental Health Week. First introduced in 1951, Canadian Mental Health Week has been raising awareness of mental illness and offers Canadians practical ways to maintain and improve their mental health or support their recovery from mental illness.

Canadian Mental Health Week is an annual national event that takes place during the first week in May to encourage Canadians to learn, talk, reflect, and engage with others on all issues relating to mental health. We all have mental health, just as we all have physical health, but we must remember that mental health is more than the absence of mental illness. It is a state of well-being.

I encourage all Canadians to use this week to reflect on their own mental health or take advantage of the Canadian Mental Health Association's online mental health check to see if they are at risk.

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100TH ANNIVERSARY OF PITT MEADOWS

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Speaker, I rise today to mark the 100th Anniversary of the city of Pitt Meadows. Idyllically located between the Fraser, Pitt, and Alouette Rivers with spectacular mountains to the north, Pitt Meadows offers easy access to downtown Vancouver while providing one of the most naturally beautiful places to live.

However, the best thing about this small but vibrant city is the people who care about one another and who have made Pitt Meadows a thriving community. That was clearly on display at the centennial celebration two weekends ago. On the Friday, I was privileged to participate in a re-enactment of the first Pitt Meadows council meeting in 1914 and on Saturday, I attended the Pitt Meadows centennial gala, all of us in 1914 attire, which was an overwhelming success.

I am very proud to represent the city of Pitt Meadows and I ask my colleagues to join me in congratulating Mayor Deb Walters and council and the people of Pitt Meadows as they begin their next 100 years as one of Canada's most livable cities.

* * *

INTERNATIONAL DAY OF THE MIDWIFE

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, today, the international day of the midwife, I rise to show my support for these dedicated health care professionals. Midwives are primary health care providers who work as part of the health care system in most provinces and territories. They provide care to women during pregnancy, birth, and the postpartum period. Evidence from around the world demonstrates that midwives are essential to improving the lives of mothers and babies. However, only 2% to 5% of women in Canada receive midwifery care services.

We are working with other members of Parliament and midwives organizations to have May 5 recognized as the national day of the midwife here in Canada, a move that would help increase accessibility to midwifery care for all women and families. We

Statements by Members

should treasure midwives' work by expanding their services and bringing birth as close to home as possible.

I urge my colleagues to join with me in calling for a national day of the midwife.

* * *

INTERNATIONAL DAY OF THE MIDWIFE

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, I too would like to recognize today, May 5, as international day of the midwife, and this year's theme is "Midwives changing the world one family at a time".

Canada's 1,300 registered midwives provide primary health care and are a vital part of the primary maternity care system. Our Muskoka initiative for maternal, newborn, and child health has helped to train midwives and skilled birth attendants internationally. Increasing women's access to quality midwifery services has been a global focus. For healthy moms and healthy babies, midwives have helped to save millions of lives.

Today, on this international day of the midwife, I ask my colleagues to join me in celebrating midwives here in Canada and midwives around the world, and thanking midwives for the health services they provide.

* * *

● (1410)

MUSIC MONDAY

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I was lucky to have had a phenomenal music education when I went to school. I played the clarinet, saxophone, and the classical guitar, and the benefits of this experience have been immeasurable.

We know that a music education helps young people to learn, nurturing not only the soul but also the mind. Music education is good for the brain. It also helps build confidence, focus, discipline, communication skills, and empathy. It helps young people to see the world in a broader way. Perhaps, most importantly, it nurtures stronger communities. However, access to a music education should not be left to just luck and chance.

Fewer kids get any type of music training, and these programs are among the first to go when governments cut education budgets. This is the wrong way to go for our kids and our country.

[Translation]

Music Monday highlights the importance of providing all our children with access to music classes. I am proud and honoured to support this important campaign on behalf of the entire Davenport community in Toronto.

Statements by Members

[English]

MUSIC MONDAY

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, today is the 10th anniversary of Music Monday, a nationwide event that brings together Canadians in celebration of the gift of music in our lives.

This year, a live webcast of simultaneous events across the country will be available. The webcast will feature events taking place in 10 cities across our country representing different music programming from each of our regions. It will also feature performances by school groups, local musicians, and messages from Canadian musicians, politicians, and our country's leaders. The event will also feature a performance by Canadian astronaut Chris Hadfield.

As an important event for Canada and our culture, many prominent Canadians across various fields will be there. I invite everyone to tune in and enjoy this great day as we celebrate the impact of music on Canada and the impact Canadian music has on the world.

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MENTAL HEALTH WEEK

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, we all have mental health just as we all have physical health. Mental health is more than an absence of mental illness, it is a state of well-being.

Despite the advances in our understanding of mental illness and improvements in the discussion surrounding it, too many Canadians suffer in silence. People often claim to feel fine when they are not. The result is that approximately seven million Canadians live with mental illness such as anxiety, bipolar disorder, depression, eating disorders, schizophrenia, or post-traumatic stress disorder. Many do not seek treatment because of the stigma and discrimination associated with mental health problems.

This year is the first ever be mindful initiative, and the Canadian Mental Health Association is asking Canadians to tell them how they really feel. Let us all reaffirm our commitment to increasing our understanding of mental illness, increasing access to treatment, and ensuring those who are struggling know they are not alone.

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LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Terence Young (Oakville, CPC): Mr. Speaker, I rise today to speak to the Liberal leader's proposal to legalize marijuana.

At health committee last week, we heard testimony from leading experts—Dr. Harold Kalant, professor of pharmacology at the University of Toronto, and Dr. Meldon Kahan, medical director, Women's College Hospital—that the serious harms and risks associated with marijuana would increase with legalization. We already know from CAMH that marijuana use by 18-29-year-olds has almost doubled to 33.5% since 1996 and that, sadly, the odds of this group experiencing dependence, work problems, and financial, legal, and relationship problems are six times higher than users who are over 30.

That is the Liberal leader's target voting group, and they are mostly unaware of the serious health risks, which include persistent psychosis, chronic respiratory problems, and long-term impact on mental functions.

The Liberal leader should apologize to Canadians for his role as the Pied Piper of pot for our youth and abandon his reckless policy.

* * *

● (1415)

[Translation]

EMPLOYMENT

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, after being ridiculed across the country, the Conservatives have finally stopped using information from Kijiji to calculate their employment data. These new data provide a fresh insight into the Conservatives' employment policies.

The famous skills shortage crisis, which the Conservatives are using as justification to allow the temporary foreign worker program to expand at the expense of jobs for young people, does not exist. The Minister of Employment and Social Development manufactured a crisis to justify hiring cheap labour instead of developing a real immigration policy. Companies had a field day with it. When the Conservatives are giving them permission to exploit foreign workers, why not?

One would think that the Prime Minister would crack down on this problem to rectify the situation. Instead, he seems to be too busy attacking the Supreme Court over yet another chapter in his book of tall tales.

The NDP believes that Canadians deserve better. They deserve a government that will create jobs here for people from here.

* * *

[English]

69TH ANNIVERSARY OF THE LIBERATION OF THE NETHERLANDS

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, I am honoured to mark the 69th anniversary of the liberation of the Netherlands. Approaching the conclusion of the Second World War, the Netherlands was one of the remaining countries German forces continued to retain as a stronghold.

Due to the valiant efforts of many serving Canadians, German forces ultimately surrendered. This triumph led to the liberation of a country and ended tyranny across Europe, but it is a solemn occasion, with more than 7,600 Canadians giving their lives.

Lest we forget the courageous Canadians who made the ultimate sacrifice for the freedom and the liberation of the Dutch.

ORAL QUESTIONS

[Translation]

JUSTICE

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, can the Attorney General tell us whether he considers it part of his job to ensure that there are never any attempts to intimidate the courts?

[English]

Does the Attorney General consider that it is part of his job to ensure that there are never any attempts to intimidate the courts in our country?

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I reject the premise of that question. What I can tell the hon. member opposite is that after being consulted on the vacancy of the Supreme Court of Canada by a special parliamentary committee, my office was contacted by the office of the chief justice. After I spoke with her on that call, I was of the considered opinion that the Prime Minister did not need to take her call.

One thing I can assure the hon. member is that neither the Prime Minister nor I would ever consider calling a judge where that matter is or could be before the court of competent jurisdiction.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, that is an interesting answer. It is entirely unrelated to the question, however, which was whether or not the Attorney General thought it was part of his role to defend the courts, to protect them from efforts of intimidation.

[Translation]

In a press release that was wildly inaccurate about the sequence of events, the Prime Minister attacked Canada's highest court by implying that the chief justice was not upholding the Constitution.

The Attorney General's job is to protect the integrity of our court system. Is he saying that he condones the Prime Minister's unprecedented attack on the Supreme Court and the chief justice?

[English]

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, of course the role of the Minister of Justice and Attorney General of Canada is to uphold the integrity of the entire justice system.

What I can tell the member again is that in addition to the precedent with respect to appointments to the Supreme Court of Canada of Mr. Justice Rothstein, our department went out and sought an outside legal opinion from two former Supreme Court justices, the foremost constitutional expert in the country, and the legal advice was very much the position that the government took with respect to Supreme Court appointments from Quebec. We followed the appropriate course of action based on that advice.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, Mr. Justice Rothstein is a judge from Ontario, not from Quebec. I believe our Minister of Justice was trying to talk about Justice Nadon.

Oral Questions

The Attorney General's job is to defend the integrity of the court system in our country, not to help the Prime Minister attack the chief justice.

Is our Attorney General telling us that he will be the henchman of the Prime Minister in this unwarranted, unprecedented attack on the Supreme Court and its chief justice?

• (1420)

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, no, in fact I was talking about Mr. Justice Rothstein, whom the hon. member I think knows came from the Federal Court, albeit not from Quebec.

With respect to upholding the laws, with upholding the integrity of our justice system, of course the Attorney General and justice minister will do just that.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, is the Government of Canada, our Minister of Justice, actually telling Parliament and Canadians that he actually does not understand that there are specific provisions in the Supreme Court Act concerning Quebec?

[Translation]

Does he not understand that Quebec's legal system is based on French civil law, hence the specific provisions about where justices who are appointed to represent Quebec at the Supreme Court must come from? Is he really admitting that he does not understand that?

[English]

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the Leader of the Opposition seems to be a bit agitated for a Monday morning. The reality is that the Government of Canada, my office, took the position that we were proceeding not only within a constitutional manner but on the considered learned advice of two former Supreme Court justices and the foremost legal expert in the country when it comes to our Constitution.

We were also acting on the advice of a parliamentary committee that had provided a list from which we were acting.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the Supreme Court of Canada read the Supreme Court Act, something that apparently our Minister of Justice has never done. The Province of Quebec has a specific legal system. It is the only civil law jurisdiction in Canada. That is why the rules are different.

[Translation]

Is the Minister of Justice really telling us that he does not understand the difference between appointing someone from the Federal Court, which is prohibited in the case of Quebec, and appointing Rothstein, in the case of Ontario? Is he that out of touch with the laws that he is supposed to interpret and enforce in Canada?

Oral Questions

[English]

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I went to law school too. I know the hon. member did, but I do not believe he is actually telling us that he thinks the Supreme Court Act, prior to the ruling of the Supreme Court of Canada in the most recent reference, which was proactively referenced by this government, prohibited the appointment of a Supreme Court judge who had come through the Federal Court. That is not in the Supreme Court Act, so I invite the hon. member to go back and read that legislation himself.

[Translation]

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, at the very beginning of this sordid affair, anonymous high-level Conservatives told a reporter that the chief justice was lobbying against Justice Nadon. They misrepresented the chief justice's remarks.

How could they have claimed that they knew what the chief justice had said when the selection process for justices is supposed to be secret and only five Conservatives—the Minister of Justice, the Prime Minister, and the three MPs in the selection committee—were privy to that information?

Which of these five people broke confidentiality?

[English]

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, somewhere in that convoluted question was the suggestion that somehow I would know what high-ranking anonymous Conservatives might have told a reporter of the *National Post*. I am afraid I simply cannot help the member with that convoluted question.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, senior Conservatives insisted on confidentiality when they complained to the media in the course of an unprecedented smear on the Chief Justice of the Supreme Court of Canada.

The Prime Minister then publicly breached the confidentiality of the selection process for Supreme Court judges.

Does the minister agree that the privacy of disgruntled caucus members merits greater protection than the Supreme Court selection process? Could he justify that?

• (1425)

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, what I can tell the hon. member once again is that I cannot comment on the suggestion that somehow disgruntled, unnamed Conservative supposed sources who spoke to the press would somehow bear any credence on the decision by the Supreme Court justice's office to release a press release on the subject.

What I have told him, and what I told the leader of the official opposition, is that we followed, in fact, the most open and inclusive process for consultation ever undertaken by a government with respect to a Supreme Court appointment.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, let us focus in on the confidentiality breached by the Prime Minister. He has undermined the confidence in the process for the appointment of judges. There is one vacancy now and there is another approaching

soon. How can anyone, including the minister, have any faith in the process after what the Prime Minister has done? Will the minister take any steps to restore integrity to the process or is he perfectly happy with the present state of affairs?

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, again, let us just set the record straight. This government undertook the most inclusive process ever for the Supreme Court appointment process. Going back again to the premise of this question, it was not until members of the opposition in this place then began to somehow suggest that it was against the appointment of Mr. Justice Nadon, it was the official critic from the opposition for justice who suggested he was a very competent and able legal jurist.

* * *

EMPLOYMENT

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, we are now hearing more troubling stories from temporary foreign workers who have been mistreated, had wages withheld, were threatened with deportation and even violence. Government agencies have known about these complaints for months and did nothing.

After years of Liberal failure to protect workers, under the current government things have gotten even worse. Conservatives even use make-believe Kijiji economics to justify their changes.

Why is the minister refusing to allow for an independent review?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, in the matter to which the member refers, I understand there is an ongoing RCMP investigation. We have also referred the matter to the Canada Border Services Agency. The employer in question has been blacklisted and is unable to access labour market opinions.

It does point to the need for better information sharing between law enforcement agencies so that when one investigation is open in the police force, for example, that administrative agencies are informed. However, we take such allegations very seriously and criminal sanctions are a potential in this case.

[Translation]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, the Conservatives have finally seen the light. They have decided not to use data from Kijiji to assess the state of the labour market. As a result, the job vacancy rate has suddenly dropped from 4% to 1.5%. Contrary to what the Conservatives claimed, there is no general labour shortage in Canada. The only shortage in Canada is the shortage of Conservative ministers who can protect the interests of Canadian workers.

When will they ask for an independent review of the temporary foreign worker program?

Oral Questions

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, who said there was no general labour shortage in Canada? I did. I have said it a hundred times: there is no general labour shortage in Canada. However, some sectors and some regions are experiencing skills gaps. That is a fact, and that is why the government took action to improve the training system. For example, the Canada job grant helps ensure that young people are better prepared for the jobs of the future.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, even the C. D. Howe Institute says that the program is creating unemployment. At 13.6%, the unemployment rate among people under 25 is twice as high as in the rest of the population. By expanding the temporary foreign worker program to unskilled workers, the Conservative government is contributing to unemployment among youth with little or no work experience.

Why is the minister refusing to let the Auditor General investigate and assess the impact of this program on unemployment among young Canadians?

• (1430)

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, I am not refusing that. I am refusing to allow the government to interfere in the work of the Auditor General.

That being said, the NDP says that this program is displacing Canadians. They want all temporary foreign workers to become permanent. If the program is displacing Canadians temporarily, why would the NDP want to displace them permanently? That makes no sense.

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NATIONAL DEFENCE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, Master Corporal Kristian Wolowidnyk suffers from post-traumatic stress disorder. He attempted suicide after the Canadian Forces tried to dismiss him. As a result of public pressure, National Defence had agreed to offer him extended leave in order to facilitate his transition. Oddly, after the media frenzy died down, the Conservatives reneged on their promise. He is deemed capable of working or returning to school, which is ridiculous.

Will they finally keep the promise they made to this soldier?

[English]

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, what I can assure the hon. member and the House is that we take the mental health of our soldiers, sailors, airmen and women and their very well-being as a very serious obligation solemn obligation.

With respect to this particular case, Master Corporal Wolowidnyk's is a situation where there is an effort being made to help him to transition. In fact, we are assured by the military that every effort is being made to respect his wishes, to respect those of his family, to ensure that this transition is as smooth as possible for him.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, we have a government pouring resources into commemorating Canada's

involvement in Afghanistan, but refusing to provide soldiers with the basic support they need at home.

Master Corporal Kristian Wolowidnyk's story is heartbreaking. He is sadly not the only soldier dismissed before qualifying for full benefits and dismissed with total disregard for their well-being after they have served the country.

When is the minister going to recognize that these men and women are also casualties of war and ensure that they too are provided with the support they need when they return home?

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I do agree with the hon. member that this is of course an enormous obligation and priority for our government, and in fact that is why we have taken the extraordinary step of investing significant resources in improving the health care system, including the mental health professionals, within the Canadian Armed Forces. We are now at around 400 full-time mental health professionals. That is, incidentally, the largest soldier to mental health professional ratio in NATO.

We will continue to make those important investments work with the Canadian Mental Health Association to see that those numbers continue to rise, and that the treatment that our soldiers, sailors, airmen, and women receive is among the best in the world.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, for six years, Corporal Stuart Langridge's family has been waiting for answers about his suicide. Losing a child is a parent's worst nightmare. Having the military prevent them from knowing what really happened is absolutely unimaginable. After many years and lengthy hearings, they still have to wait.

We know that an interim report has been prepared and given to the minister for his comments, but the family still has no access to it.

Will the minister do the right thing and release the report to this family so that they too can participate in the final process?

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, this is again a very tragic matter, and I have met with members of Corporal Langridge's family. However, the reality here is that the Military Police Complaints Commission and the National Defence Act require that the report itself, an interim report, is not to be made public.

It will be reviewed by the Chief of the Defence Staff, and then it will be made available to the family, but the hon. member, who is not only a critic, but a lawyer, is surely not suggesting that the Minister of National Defence would break the law by releasing an interim report. I hope he is not suggesting that.

Oral Questions

[Translation]

PRIVACY

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, in reply to our questions on the sharing of personal information between telecommunications companies and government agencies, the Minister of Canadian Heritage said last week that Bill S-4 would solve all the problems. The exact opposite is true. Even worse, we learned today from the press that the government has just launched an internal investigation to determine the extent of the problem.

In other words, the Conservatives have no idea of what is happening in their own agencies. Will they at least release the results of this investigation?

• (1435)

[English]

Mr. Paul Calandra (Parliamentary Secretary to the Prime Minister and for Intergovernmental Affairs, CPC): Mr. Speaker, Bill S-4 is an update. This is what the Privacy Commissioner had to say about it, “I welcome proposals...” in this bill. This bill contains “...very positive developments for the privacy rights of Canadians”. She went on to say, “I am pleased that the government...has addressed issues such as breach notification...”.

It is a good bill and I do hope the opposition will consider supporting it.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, Canadians were spied on 1.2 million times last year, and under the government, it is about to get a lot worse. Under Bill S-4, the Conservatives will now make it legal for corporations to call telecoms and demand an individual's personal information.

Under Bill C-13, peace officers or public officers, who are defined in law as small town reeves, fisheries inspectors and officers and yes, mayors like Rob Ford will now be able to call telecoms and demand our personal information.

It is like a massive fishing expedition. Why has the government declared open season on the private rights of law-abiding Canadian citizens?

Mr. Paul Calandra (Parliamentary Secretary to the Prime Minister and for Intergovernmental Affairs, CPC): Mr. Speaker, nothing could be further from the truth.

Personal information that is protected by the charter requires a warrant. This is what Rogers had to say when asked about this, “Where there is an immediate danger to life; we will provide information to law enforcement agencies to assist with 911 service, missing persons cases, individuals in distress”.

That is what we are talking about. I wish the opposition would support us. There is a bill before the House, Bill S-4 that will help tighten this even further and make the bill even better.

* * *

EMPLOYMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, only a government this bad would say it is okay for Rob Ford to access Canadian private information any time he wants.

Let us get back to the Minister of Employment and Social Development who has repeatedly failed to answer questions.

Today, we learned of yet another employer mistreating TFWs since 2011. The employer never had his permits pulled, never had his name put on the blacklist, never faced criminal charges. The government failed to act for years.

Why does the minister wait for front page stories before acting to clean up the mess he has created?

[Translation]

Hon. Steven Blaney (Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, it is basic information that is provided voluntarily. That is why the NDP agreed 14 years ago. Today, they have changed their minds and are headed in another direction.

Why not strike a balance between public safety and respect for privacy? That is what we are doing and what the G7 countries are doing. I encourage the NDP to vote against their motion.

[English]

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, to justify their expansion of the temporary foreign worker program, the Conservatives inflated the job vacancy rate. They received their data from job postings on Kijiji, which of course is full of errors and duplications. Now we learn that Canada's real job vacancy rate is only 1.5%, not the 4% that the Conservatives had claimed.

How could the Conservatives defend their decision to dramatically expand the number of temporary foreign workers in Canada when their decision was based on bad data?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, I have been absolutely consistent in saying they are not general labour shortages in the Canadian economy but there are certain skills gaps in various regions and industries such as those regions with full employment.

I find that member intervening on this matter very peculiar, because he said on May 29, 2012, that, “Temporary foreign workers are an important part of the production chain and the value chain”. He also said, “Temporary foreign workers are an important part of our economy...and some of the best workers are temporary foreign workers”. He further said that, “...reducing access to temporary foreign workers could actually threaten Canadian jobs”. The member for Kings—Hants said that.

Oral Questions

[Translation]

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, in 2006, all that some employers had to do was announce a job opening for seven days on a government site that no one looked at. In 2007, the minister said, “We’ve expanded the temporary foreign workers program very significantly and very deliberately”.

Does the current Minister of Employment agree that that was indeed his government’s policy before it tightened up the rules in recent years?

● (1440)

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, the government’s policy is that Canadians must always have access to jobs before foreign workers.

[English]

Having said that, I note that the member for Markham—Unionville just today said that the temporary foreign worker program “is a good program” and he actually criticized our moratorium on the food services sector because apparently he knows a restaurateur who cannot find cooks in Canada. According to that member, whose judgment is better than that of people at Service Canada, we should be bringing in cooks from abroad, overturning the moratorium.

Where do the Liberals really stand on the temporary foreign worker program?

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, the Liberals have always said this is a good program when well managed but it has not been well managed to date.

The minister was obviously complicit in this massive buildup to the point where he was praised for understanding “how important this is from a business perspective”. Given this history no one believes his born-again pious concern for Canadian workers.

Will the minister at least adopt the Liberals five-point plan to clean up this monumental Conservative mess?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, last week on Twitter the member for Markham—Unionville said that this program “gives foreigners Canadian jobs”. Today he is saying it is a good program.

The Liberals opened the low-skills stream in 2002. Now they are saying it has been abused. They called for a moratorium on the food services sector, now the member wants an exemption for a restaurant in his riding.

We are going to fix the problems in this program but the last thing we will do is listen to the incoherence of the Liberal Party of Canada.

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DEMOCRATIC REFORM

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, under the Elections Act, Canadians living abroad for more than five years are prohibited from voting. Working with Canadian ex-pat Gill Frank, I put together a private member’s bill to change this. At the same time,

Mr. Frank launched a legal suit and he won. The courts struck down the section of the act, saying it was unconstitutional.

Now that this section of the Election Act has been struck down, will the government agree to fast-track my bill to ensure that these changes are made to the Elections Act?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, we will study the ruling carefully, but what we will not do is accept the NDP proposal to allow people to vote without presenting any ID whatsoever. The fair elections act would require people to present ID when they show up to vote. They have to demonstrate who they are; and no longer would identity vouching be permitted under the fair elections act.

[Translation]

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, Canadians should not be losing their right to vote. There is an easy way to solve this problem: support the NDP’s bill.

In committee, the Conservatives voted against an amendment that would have allowed the Chief Electoral Officer to require political parties to provide documentation to support their expense reports. However, in 2012, the same Conservatives supported a similar NDP motion.

Why did the Conservatives go back on their promise?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, we will review the ruling that was just rendered, but we will not support the NDP’s proposals to allow people to vote without any identification.

The fair elections act will eliminate the use of vouching. Once this bill is passed, people will have to show ID, and Canadians agree with that.

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, not only did the Conservatives break their promise, but they are also opposing a common-sense measure.

Every province requires political parties to submit documentation justifying their spending. After every election, parties are reimbursed \$33 million without having to submit receipts to justify their expense claims. Can anyone name a store that will refund money without a receipt?

Will the government work with us to remedy this problem that facilitates fraud?

● (1445)

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the parties are already required to submit receipts following an election.

First of all, there is a mandatory audit, and the fair elections act provides for an additional audit that will require parties to submit their receipts to the auditor.

Second, the Chief Electoral Officer is not required to give the parties the money before he gets all the money he needs to audit their spending.

*Oral Questions**[English]*

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, after consulting Conservatives, the government rewrote the Elections Act to stack the deck in its own favour. Last week, we proposed many creative and constructive amendments. Today, we wanted to make political parties' expenses more transparent, but Conservatives said no. We wanted to give the commissioner sharper tools to investigate wrongdoing, but the Conservatives said no. Indeed, we had other creative suggestions, but the government shut down the committee. Why did the minister refuse to allow over half the NDP amendments to even be debated?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the member says the NDP tried to bring sharper tools to the Elections Act. I do not think Canadians want his sharper tools touching anything near the Elections Act.

In fact, the creative ideas they came up with were to require volunteers, like seniors and stay-at-home moms who make phone calls to invite people to pancake breakfasts, to actually register those calls with a national telecommunications regulator; and their other creative idea was to allow people to vote without any ID at all. Those are not the kinds of creative ideas Canadians are interested in.

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HEALTH

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, during National Mental Health Week, parliamentarians are encouraged to reflect on and learn about the issues that are faced each and every day by people with mental health challenges. By taking time to talk about how important good mental health is in our lives, we can better appreciate how we as a government can support those in need.

Can the parliamentary secretary please update the House on the work that our government is doing to support good mental health?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I would like to thank my hon. colleague from Kitchener—Conestoga for raising the importance of mental health support, and I want to thank him for all his leadership and the good work that he has done on this file.

As he knows, it was our government that created the Mental Health Commission to share best practices to benefit Canadians from coast to coast. We invest over \$112 million annually to support community-based health promotion activities for families and invest in projects in over 230 communities across Canada. These all contribute to the mental well-being of youth and families and are important elements for reducing the risk for mental health problems.

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CANADA-U.S. RELATIONS

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, the Conservative deal to implement FATCA in Canada will hand over personal financial information to the IRS in the United States, violating the privacy of up to one million Canadians and exposing them to aggressive fines and penalties. Experts have warned that this deal may not even be constitutional, but the Conservatives are rushing it through, once again burying it in yet another omnibus budget bill.

Can the minister explain why this complex bill must be hidden from proper scrutiny? Is it because he knows it is a bad deal for Canadians?

Hon. Joe Oliver (Minister of Finance, CPC): Mr. Speaker, FATCA has raised a number of concerns in Canada. The new agreement addresses these concerns, relying on the existing framework under the Canada-U.S. tax treaty.

The CRA will not assist the IRS in collecting U.S. taxes, and no new taxes will be imposed. In our negotiations, we obtained a number of concessions, including exempting certain accounts, such as RRSAs, RDSPs, and TFSAs, from FATCA reporting.

[Translation]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I really do not understand the minister's attitude. Canadians deserve more information than that on the implementation of the Canada-U.S. agreement on bank accounts.

Financial institutions will now be required to identify which of their clients have American citizenship, in addition to actively monitoring their bank accounts off U.S. soil. Citizens want to know whether the agreement will apply to them and whether their personal information will be protected. At this point, we still do not even know whether the agreement is constitutional. This is a very complex issue.

We want to know why the minister refuses to take this agreement out of the budget implementation bill.

● (1450)

Hon. Joe Oliver (Minister of Finance, CPC): Mr. Speaker, without an agreement in place, our financial institutions would still have to comply with FATCA. This would have required banks to report information directly to the IRS, and deny basic banking services to clients. Furthermore, both banks and their clients would have been subject to a 30% withholding tax. With an agreement in place, this will not happen.

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TAXATION

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the Conservatives are helping the Americans target law-abiding Canadians, but they are doing nothing to catch the fraudsters who are breaking the law by abusing tax havens. Last year alone, tax evaders diverted \$170 billion. Canadians abide by the law and pay their share of taxes, but friends of those in power benefit from the Conservatives' inaction. The Conservatives promised to take action in the latest budget.

Was the diversion of \$170 billion part of their action plan?

[English]

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of National Revenue and for the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, our government has a strong record of combatting international tax evasion and getting tough on tax cheats. From 2006 to March 31, 2013, CRA has audited 8,195 international tax cases, identifying over \$5.1 billion in additional taxes, taxes that are being collected. As well, economic action plan 2013 introduced a number of new measures dedicated to offshore compliance activities and an investment of \$30 million over five years in support of their implementation.

Economic action plan 2014 proposes to do even more. Maybe that member should think about voting for it.

* * *

THE ECONOMY

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, \$170 billion missing, and these guys call that getting tough.

Conservative economic mismanagement is damaging our economy and hurting Canadians. Household debt is at an all-time high. Over 1.3 million Canadians are still out of work, and Conservative mismanagement of temporary foreign workers is pushing down wages and taking jobs from Canadians.

Yet the finance minister still clings to his Kijiji economics. Kijiji: it is a great place to pick up a used bike, not so much for running a G7 economy. Will the minister finally denounce his reliance on Kijiji economics and start using facts for a change?

Hon. Joe Oliver (Minister of Finance, CPC): Mr. Speaker, it is very clear that unemployment is getting better in Canada. Nevertheless, there are sectoral problems, particularly in the natural resources area, where there are hundreds of thousands of jobs that will be needed over the next decades. There are regions in the country where there are skilled labour forces that companies need to fill. Therefore, it is critically important that we bridge the gap between the labour needs and the unemployment. We are doing that through our job creation program.

* * *

NATIONAL DEFENCE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the minister's earlier response regarding Master Corporal Wolowidnyk was simply shameful self-promotion at the expense of a wounded soldier. After attempting suicide over his impending discharge from the forces, the military offered the master corporal more time to transition to civilian life, but suddenly, that option is off the table. It seems like the minute the media spotlight disappeared, so did the government's commitment to him.

Will the government fix this flip-flop and treat Master Corporal Wolowidnyk and service members like him with the respect and the compassion they deserve?

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, our respect for Master Corporal Wolowidnyk and members of the Canadian Armed Forces could not be higher. In fact, that is why we have not only made significant efforts to improve the mental health and overall health of our

Oral Questions

Canadian Forces through enormous investments, we have also made enormous investments across the board. We have seen all sectors of the Canadian Forces receive the support that they need, that they deserve, that they continue to earn daily in service of our country.

I do not know why the hon. member, coming from the Liberal Party, would take issue with those massive investments we have made to improve the lives and well-being of the Canadian Armed Forces.

* * *

● (1455)

VETERANS AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the government had a real opportunity to make May 9 the day of honour for veterans of Afghanistan and their families. Unfortunately, the government's actions demonstrate that it thinks it owes the veterans nothing, fighting them in court, closing VAC offices, and denying necessary benefits.

Can the government explain to the thousands of veterans and their families across Canada why Friday's event is more about a photo op for the Prime Minister and not about veterans' sacrifice for this country?

Hon. Julian Fantino (Minister of Veterans Affairs, CPC): Mr. Speaker, this Friday, from coast to coast to coast, we will pause and remember those who laid down their lives in Afghanistan. Over 40,000 Canadians, service men and women, served in Afghanistan each day, making Canadians proud.

Thousands of schools, school boards, and teachers are on board with this particular initiative with the tribute. Municipalities right across our great country are making plans. I look to that member and the opposition party. Will you drop the politics and join in and pay your respects?

The Deputy Speaker: I would remind the minister and other members to address their comments to the Chair and not to other members in the House.

The hon. member for Ottawa Centre.

* * *

FOREIGN AFFAIRS

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, unlike Canada, the United States has sanctioned key political and economic allies of President Putin, including Igor Sechin, the head of oil giant Rosneft, who, it turns out, has a large investment in Canada.

The question is, why are Canadian sanctions missing some big names that are being targeted by our international allies, and will the minister now support strong coordinated sanctions to support the people of Ukraine?

*Oral Questions***Hon. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs and for International Human Rights, CPC):**

Mr. Speaker, as we certainly heard on Sunday, the Prime Minister announced further sanctions on individuals in Russia. This government has taken a very strong stand in reference to Russia's actions in Ukraine, and we have listed not only companies but also individuals that we feel are targeted. We will continue working with our allies to do more and to send a very clear message to the Russians that their actions are totally unacceptable to the international community.

[*Translation*]

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): Mr. Speaker, not only did Canada exempt a close friend of President Putin from Canadian sanctions, but it also has yet to suspend high-tech military exports to Russia, as our allies have done.

When will the Conservatives suspend exports of high-tech military equipment to Russia? When will they impose sanctions that are aligned with those of our allies?

[*English*]

Hon. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs and for International Human Rights, CPC): Mr. Speaker, the Prime Minister has said it very clearly. Let me quote what he said: "We will not shape our foreign policy to commercial interests". In light of that, we have taken very strong sanctions against Russia. We will continue these sanctions against Russia. We do not expect any Canadian companies to break our sanctions against Russia.

* * *

VETERANS AFFAIRS**Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC):**

Mr. Speaker, the Prime Minister has designated Friday, May 9, a National Day of Honour to commemorate the efforts and sacrifices of our men and women in uniform who served in Afghanistan. This Friday, we will all honour the legacy of those Canadian Armed Forces members who served, and most importantly, the families of our service personnel who had to bear so much while their loved ones were deployed.

Can the Minister of Veterans Affairs please inform this House about the Soldier On Afghanistan relay and how it will contribute to the events this Friday?

Hon. Julian Fantino (Minister of Veterans Affairs, CPC): Mr. Speaker, the participants in the Soldier On Afghanistan relay are truly inspiring. I am humbled by their ongoing determination and their courage.

The relay began at Canadian Forces Base Trenton and will carry the last Canadian flag flown at our allied headquarters in Kabul to Ottawa. The relay will soon reach the Royal Military College in Kingston, and I encourage Canadians to follow its progress on Twitter at SoldierOnCan.

On behalf of this place, I would like to thank Soldier On for the important work they do helping ill and injured members of our forces. We are truly proud of their work and the participants in the relay.

• (1500)

TRANSPORT

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, one of the key components of Cape Breton's economic future is the further development of Sydney Harbour. Now that the dredging is completed, it is vital that the Cape Breton Regional Municipality take over ownership of the harbour bottom to bring us new business.

My question is to the Minister of Transport. We are waiting for this transfer. Ports Day is next week. As a fellow Cape Bretoner, will you be willing to come down and announce this so we can move forward?

The Deputy Speaker: I appreciate the humour, but again, I would ask the member to direct his questions to the Chair.

The hon. Minister of Transport.

Hon. Lisa Raitt (Minister of Transport, CPC): Mr. Speaker, yes, he should be ashamed of himself.

I appreciate the question from the hon. member. Indeed, we have embarked as a government on an ambitious agenda to ensure that we are putting in the hands of local communities those assets which are better managed locally. We have not gotten to the end of the process with respect to Sydney Harbour, but when that process is completed, I am sure he will hear about it from Mayor Cecil Clarke.

* * *

[*Translation*]

CANADIAN BROADCASTING CORPORATION

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, yesterday, a number of hosts of Radio-Canada news programs appeared on the program *Tout le monde en parle* to denounce the upcoming cuts.

The Conservatives claim that everything is fine, but their cuts have triggered an internal crisis at Radio-Canada. Not only will Canadians have to rely on fewer journalists, but essential programs like *Enquête*, which help flush out crooks who are close to power, will also undergo cuts.

Will the Conservatives stop attacking the ratings of our public broadcaster and instead reconsider their cuts, which are directly related to the current crisis and the quality of the content?

Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, everyone knows that the decisions made by Radio-Canada have nothing to do with the government's measures.

That being said, we are well aware of the role that Radio-Canada plays in Canadian society, and that is why, on behalf of taxpayers, we provide significant funding to Radio-Canada/CBC. It is up to Radio-Canada to decide how to run its daily operations. We have no intention of interfering in that.

Oral Questions

[English]

MULTICULTURALISM

Mr. Mark Adler (York Centre, CPC): Mr. Speaker, my question is for the Minister for Multiculturalism.

Tonight at sundown marks the beginning of the celebration of *Yom Ha'atzmaut*, the 66th anniversary of the birth of the modern state of Israel. Jews will be celebrating this date around the world.

As we all know, Canada and Israel share very strong bonds of freedom, democracy, human rights, and the rule of law. I was wondering if the minister could inform the House of the significance of this date to the Jewish community both here in Canada and around the world.

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, tomorrow we celebrate the 66th anniversary of the founding of the modern state of Israel, which is a miracle of modern history: a state born out of the ashes of the Holocaust, which managed to survive multiple invasions, including one at the very moment of its birth, which has resisted constant efforts to destroy a Jewish democratic homeland. It has gone on with hope and confidence to create a democracy that is vital, prosperous, and innovative. It is a close ally and friend of Canada's, so we celebrate with all Israelis and all Canadian Jews this happy day.

We wish everyone a *Yom Ha'atzmaut Sameach*.

* * *

[Translation]

QUEBEC BRIDGE

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, today is the opening day of the trial that pits the federal government against Canadian National in the matter of painting the Quebec Bridge. In 2005, before he was even elected, the Prime Minister laughed at the previous Liberal government for not being able to get the bridge painted.

Nine years later, the bridge is rustier than ever and the Conservative government still has not done anything. Why does the government not get the bridge painted now instead of waiting for this interminable legal saga to end?

• (1505)

[English]

Hon. Lisa Raitt (Minister of Transport, CPC): Mr. Speaker, since 1995, CN has owned this bridge and has been responsible for the operation, the maintenance, and the upkeep. Both the federal government and the provincial government at the time put maintenance money into a pot. Of that portion, the federal government indicated it expected the bridge to be painted. It was not painted to the satisfaction of the government. As such, we commenced action in 2006 and we commenced trial today. We look forward to the outcome of this endeavour.

[Translation]

AIR TRANSPORTATION

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, Quebec airport authorities are worried. Funding for their projects that are eligible for the next year of Transport Canada's airports capital assistance program, or ACAP, seems to be in jeopardy.

The information obtained indicates that there will be no assistance available for 2014 and 2015. Furthermore, their safety and security projects do not qualify for funding under the new building Canada plan.

Can the Minister of Transport reassure airport authorities and confirm right now that ACAP will be available starting this year?

[English]

Hon. Lisa Raitt (Minister of Transport, CPC): Mr. Speaker, I appreciate the question from the hon. member. I will take it up with him outside the House to ensure that I have the right airport that we are talking about. The airport capital assistance program is in place, and indeed it helps many airports locally in our country with respect to safety and security measures.

* * *

TAXATION

Mr. Brent Rathgeber (Edmonton—St. Albert, Ind.): Mr. Speaker, today is the tax filing deadline for millions of Canadians. However, as the Income Tax Act is 3,206 pages long, most taxpayers will file without any regard to the complexities of the tax code.

The Conservative government has managed to add 631 pages, or over 200,000 words, since taking office in 2006. In fact, the government has amended the Income Tax Act 22 times, mostly to introduce boutique tax credits. If the budget ever balances, we can expect even more boutique tax credits and an even more complicated tax code.

When will the government simplify the tax code by eliminating boutique tax credits for special interests, reduce the number of tax brackets, and cut tax rates for all Canadians?

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of National Revenue and for the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, it is the intent of the Government of Canada to make the tax code as simple as possible. We have moved in that direction since forming government in 2006. It is also the intent of the Government of Canada to make sure that the taxpayers are represented fairly and treated fairly by the Government of Canada.

* * *

[Translation]

PRIVACY

Mrs. Maria Mourani (Ahuntsic, Ind.): Mr. Speaker, the police may have grounds to make an urgent request to an Internet service provider in order to save a life or an abused child.

Routine Proceedings

However, it is legitimate to ask who made 1.2 million requests for information and processed the 800,000 transfers in 2011 and how much taxpayers paid for this information.

Does the government realize that its lack of transparency undermines the public's confidence in our institutions and jeopardizes public safety?

Hon. Steven Blaney (Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, I thank my colleague for her question. As we know, this information is provided voluntarily and is disclosed to agencies under the responsibility of Public Safety Canada.

I would be pleased to provide a more detailed response to my colleague, which is something I have done in the past.

[*English*]

The Deputy Speaker: That brings to an end the period for questions.

Does the hon. member have a point of order?

Mr. Marc Garneau: Mr. Speaker, no, but I did have a clarification question for the finance minister, if I could ask it.

The Deputy Speaker: The period for questions is over.

ROUTINE PROCEEDINGS

• (1510)

[*English*]

COMMITTEES OF THE HOUSE

INTERNATIONAL TRADE

Hon. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on International Trade related to Bill C-20, An Act to implement the Free Trade Agreement between Canada and the Republic of Honduras, the Agreement on Environmental Cooperation between Canada and the Republic of Honduras and the Agreement on Labour Cooperation between Canada and the Republic of Honduras.

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

AGRICULTURE AND AGRI-FOOD

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Agriculture and Agri-Food in relation to the order of reference recommitting Bill C-30, An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures.

The committee has studied this bill and has decided to report the bill back to the House with amendments.

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Procedure and House

Affairs in relation to Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

The committee has studied the bill and has decided to report the bill back to the House with amendments. I might add that there was a great deal of work and we owe a great deal of thanks to our professional clerks and analysts for all the help the committee had. The committee members worked together on a tough issue with over 70 witnesses and many briefs. I thank them all.

FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Foreign Affairs and International Development, entitled “A Weapon of War: Rape and Sexual Violence Against Women in the Democratic Republic of the Congo—Canada’s Role in Taking Action and Ending Impunity”.

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

* * *

FAIR RAIL FOR GRAIN FARMERS ACT

(Bill C-30. On the Order: Government Orders)

May 1, 2014—Report stage of Bill C-30, An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, there have been consultations, and if you seek it, I believe you will find unanimous consent for the following motion regarding Bill C-30, which was just reported back.

I move:

That, notwithstanding any standing order or usual practices of this House, Bill C-30, An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures, be deemed concurred in at the report stage and deemed read a third time and passed.

The Deputy Speaker: Does the hon. minister have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

Routine Proceedings

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

* * *

• (1515)

PETITIONS

CRIMINAL CODE

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I have with me 6,621 petitions with names on them from all across this country, from constituents in ridings all across this country, who are requesting that Parliament amend the Criminal Code to decriminalize the selling of sexual services and criminalize the purchasing of sexual services and to provide support to those who desire to be in prostitution.

In addition to this petition, I have 55,000 postcards on the same topic from all across this country that I cannot present to the House.

INTERNET SERVICE PROVIDERS

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, in addition to that I have 1,238 petitioners from across the country who are asking the government to require Internet service providers to provide a mandatory opt-in Internet pornography filter as a tool parents can use to protect their children from Internet pornography.

DEMENTIA

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, today I have two sets of petitions to table.

The first petition is from Canadians supporting Bill C-356, which provides for a call for a national strategy on addressing dementia in consultation with the provinces and territories. It calls for the creation of a standing round table and for greater investment to address Alzheimer's and dementia.

BLOOD AND ORGAN DONATION

Ms. Linda Duncan (Edmonton—Strathcona, NDP): The second petition is from residents of High River, Calgary, Oshawa, Mississauga and Winnipeg. They are calling on the government to enable all healthy Canadians to be qualified to donate blood, bone marrow, and organs, and to not discriminate on reasons of sexual preference.

SEX SELECTION

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, 92% of Canadians think it is wrong for gender-selection abortion to be taking place in Canada, yet we know this is happening. CBC television did an exposé that pointed out that ultrasounds are being used to determine the gender of the unborn child, and if it is a girl, often that girl is aborted.

Petitioners call upon Parliament to condemn discrimination against girls occurring through gender-selection pregnancy termination.

CANADA POST

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise to present two petitions.

The first is in relation to changes at Canada Post. I want to draw particular attention to significant cutbacks in service in Fulford

Harbour on Salt Spring Island. Many of these petitioners are from the Gulf Islands within my own riding. They are asking for the minister to get Canada Post to provide some creative solutions to remain profitable and provide the proper service. We might look to the state of Israel for some very instructive examples of what works.

MANDATORY LABELLING OF PRODUCTS

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is for health labelling. The petitioners urge that the minister provide clear right-to-know legislation so that Canadians know what is in the products we are using and can make choices to avoid products that contain carcinogens. The bulk of the petitioners are from southern Ontario.

FALUN GONG

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am proud to present a petition here signed by constituents of mine as well as by people from across Manitoba. The petitioners express their disgust with what is happening to Falun Gong practitioners in China. There are allegations that they are being systematically murdered and their organs being harvested for sale throughout the region.

The petitioners are calling upon this House to bring forward a resolution to ensure that this practice is ended, that we are cutting down on organ harvesting, and that they are not being used as unwilling participants in the program. This is a persecution of the Falun Gong that we all want to see ended.

CANADA POST

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, I have the honour to present a petition from Nova Scotian citizens concerning the reduction in Canada Post services. The petition says that the undersigned citizens draw to the attention of the House the following: that Canada Post and the Conservative government are taking an axe to long-treasured postal services, killing good jobs, eliminating door-to-door delivery, closing post offices, and drastically increasing postage rates. Six thousand to eight thousand workers will lose their jobs and five million households will lose their door-to-door delivery over the next five years.

These cuts hurt seniors and disabled Canadians in particular. Canada Post has failed to do necessary consultations and is effectively eliminating any opportunity for input from the people who will be most affected.

Canada Post offers a public service that needs to be protected. Therefore, the petitioners call upon the Government of Canada to reverse these cuts to services announced by Canada Post and to look instead at innovative approaches including, potentially, postal banking.

* * *

• (1520)

QUESTIONS ON THE ORDER PAPER

Mr. Dan Albas (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Points of Order

Some hon. members: Agreed.

* * *

POINTS OF ORDER

TABLING OF TREATY

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I am rising to supplement my comments on a point of order in response to the point raised by the hon. member for Westmount—Ville-Marie on Monday, April 28, respecting Bill C-31, the economic action plan 2014 act, no. 1. You will recall this was an issue of the elements of the legislation dealing with what is called the FATCA treaty with the United States that has to do with taxpayers with an American association and its implementation. His concerns were the government's treaty tabling policy.

The hon. House leader of the official opposition had indicated he would reply that afternoon so I did defer making this supplementary submission until I was in a position to respond to his as well if necessary. However, given that no NDP position has been set out, I did want to put these comments on the record now in the event that the Chair is soon ready to rule.

First, on the argument I put to you earlier, Mr. Speaker, on the jurisdiction of the Chair, I wish to offer a few citations. This is on the notion that the treaty tabling policy is not a matter of the Standing Orders of the House or the procedures and practices of the House, but rather it is a government policy relating to the government and a department's activities themselves. As such, I suggested that it was beyond the reach of the Speaker or the House. There are several citations that support that principle.

Mr. Speaker Bosley, on May 15, 1985, ruling on a question of privilege said at page 4769 of the *Debates*:

...I think it has been recognized many times in the House that a complaint about the actions or inactions of government Departments cannot constitute a question of parliamentary privilege.

Our current Speaker ruled, on February 7, 2013, at page 13869 of the *Debates*:

It is beyond the purview of the Chair to intervene in departmental matters or to get involved in government processes...

Both of these quotations were favourably cited in the ruling of March 3, 2014, in this Parliament, at page 3427 of the *Debates*.

On September 28, 2011, that ruling on a question of privilege raised by a colleague of the hon. member for Westmount—Ville-Marie, at page 1577 of the *Debates*, the following can be found:

I know the member for Malpeque does not expect the Chair to monitor all internal processes undertaken by the government as part of its preparatory work in advance of proposing legislative measures to the House.

On March 18, 1981, at page 8374 of the *Debates*, Madam Speaker Sauvé said, in relation to a question of privilege on the awarding of grants by the Liberal government of the day:

In the words of the hon. member, the awarding of certain grants has been politicized. This has to refer to rules and conduct matters, which are entirely in the hands of the government and for which it stands accountable.

That of course means not Parliament or the House, but rather the government itself.

Of course, there is a long history of hon. members raising procedural objections about a government's actions and seeking to encourage the Chair to expand its jurisdiction. One of the more eyebrow-raising cases was on October 26, 1981, when Madam Speaker Sauvé ruled, at page 12162 of the *Debates*, that:

The fact that someone is not answering the telephone...certainly does not constitute a question of privilege.

This situation is analogous to the rulings which I just cited in that you, Mr. Speaker, are being called upon to consider a government policy related to how the executive chooses to exercise the crown's privileges. The question goes wide of the procedural role of the Chair.

Page 24 of *House of Commons Procedure and Practice*, second edition, which was published in November 2009, almost two full years after the policy on tabling treaties in parliament was announced, states:

The discretionary prerogatives are invoked rarely and only in the most exceptional circumstances. The overwhelming majority of the Governor General's powers are invariably exercised on the advice of the Prime Minister and Cabinet.

Footnote 124, associated with that passage, opens with "This includes the ratification of treaties..."

A role for the House is not asserted in that text.

That may be explained by turning to the Library of Parliament background paper, which I believe was quoted by the hon. member for Westmount—Ville-Marie, which also states, at page 3, that:

Passing treaties through the House of Commons remains a courtesy on the part of the executive, which retains full authority to decide whether to ratify the treaty after the parliamentary review.

In fact, of what the hon. gentleman quoted to the House, there was one sentence in the middle of the passage which he somehow omitted. It is important, so I will add it here:

Very little authority is explicitly laid out in the law or the Constitution — much relies on royal prerogative, tradition and policy.

● (1525)

I would suggest that the Standing Orders could easily be added to the first half of that sentence.

This parenthetical note is attached to paragraph 6.6(a) of the Policy on Tabling Treaties in Parliament:

The Executive under the constitutional treaty-making power exercised by the Federal Crown under the Royal Prerogative remains responsible for undertaking any international obligations of Canada.

My second area of argument relates to my comments about the ability of, and the experience of, the House of Commons to consider this proposed international agreement. I have some details to add.

Clause 99 provides for the enactment of the Canada-United States enhanced tax information exchange agreement implementation act. Clauses 100 and 101 make consequential amendments to the Income Tax Act.

Business of Supply

Schedule 3 of Bill C-31 contains the text of the Agreement between the Government and Canada and the Government of the United States of America to Improve International Tax Compliance through Enhanced Exchange of Information Under the Convention between Canada and the United States of America with respect to Taxes on Income and on Capital.

On April 8, the House adopted, by a vote of 149 to 125, Bill C-31 at second reading and, thereby, concurred in the principle of the bill.

What is more is that the House, also that night defeated the reasoned amendment proposed by the hon. member for Skeena—Bulkley Valley at the second reading stage of Bill C-31. Paragraph (d) of the amendment related to the subject matter at hand.

Moreover, this was a matter previously before the House during this year's budget process. Let me quote from pages 358 and 359 of the budget plan, that is, the publication entitled "The Road to Balance: Creating Jobs and Opportunity", which was tabled on February 11:

In 2010, the U.S. enacted provisions known as the Foreign Account Tax Compliance Act (FATCA)... FATCA has raised a number of concerns in Canada—among both U.S. citizens living in Canada and Canadian financial institutions. Without an intergovernmental agreement between Canada and the U.S., Canadian financial institutions and U.S. persons holding financial accounts in Canada would be required to comply with FATCA regardless, starting July 1, 2014 as per the FATCA legislation enacted by the U.S. unilaterally.

In response to these concerns, the Government of Canada successfully negotiated an intergovernmental agreement with the U.S. which contains significant exemptions and other relief. Under the approach in the Canada-U.S. agreement, which was signed on February 5, 2014, Canadian financial institutions will report to the Canada Revenue Agency (CRA) information in respect of U.S. persons that will be transmitted by the CRA to the IRS under the Canada-U.S. tax treaty and be subject to its confidentiality safeguards...

This new reporting regime will come into effect starting in July 2014, with Canada and the U.S. beginning to receive enhanced tax information from each other in 2015.

On February 26, the House adopted Ways and Means Motion No. 6 which read, "That this House approve in general the budgetary policy of the government".

In concluding on this line of argument, this matter has not only been before Parliament, the House has actually voted on the issue reflected in this treaty three times, and that of course serves to fulfill, as I said, the principle that the House should have an opportunity to pass judgment on a treaty this House has now already passed judgment through a vote on that treaty three times.

With respect to my third area of argument, let me make some points respecting the actual terms of the Policy on Tabling Treaties in Parliament.

Paragraph 1 of article 10 of the agreement with the United States provides that:

This Agreement shall enter into force on the date of Canada's written notification to the United States that Canada has completed its necessary internal procedures for entry into force of this Agreement.

Meanwhile, paragraph 6.3(b) of the Policy states that, "If an exception [to the Policy] is granted", and you will recall, Mr. Speaker, that I indicated there was such an exception here, "the Minister or Foreign Affairs will inform the House of Commons that Canada has agreed to be bound by the instrument at the earliest opportunity following the ratification".

I emphasize those words, "following the ratification".

Indeed, no order in council authorizing the agreement's ratification has issued, therefore Canada has not yet given that notification to the American administration. Accordingly, we are not yet at the point in time which could be said to be following the ratification, to borrow the phrase from the Policy on Tabling Treaties.

This ratification and notification have not yet occurred because necessary implementing measures remain to be adopted by Parliament.

As that Library of Parliament background paper explains, Canada operates under the so-called dualist model of treaty implementation. "Accordingly, Canada cannot ratify an international treaty until measures are in place to ensure that the terms of the treaty are enforceable in Canada law".

● (1530)

Indeed, parliamentary support of this measure is essential in this case. Section 3 of the Canada-United States enhanced tax information exchange agreement implementation act set out within clause 99 of Bill C-31 would provide that, "The Agreement is approved and has the force of law in Canada...".

To conclude my submissions today, my argument hinges on three points: first, the grievance of the hon. member for Westmount—Ville-Marie goes beyond the jurisdiction of the Chair; second, not only does the House have an opportunity to consider the proposed international agreement, but it has already voted not once, not twice but three times on its principle, thus achieving the objective behind the treaty tabling policy; and third, and finally, there has not been in any event a breach of the policy of tabling treaties in Parliament that has received an exemption and it has been treated appropriately under the policy.

The Deputy Speaker: I would assure the government House leader that the submissions will be taken into account when the Speaker comes back with his ruling.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—SAFEGUARDING OF PERSONAL INFORMATION

The House resumed consideration of the motion.

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, I will be sharing my time with my hon. colleague, the member for Burlington.

I am pleased to rise today to speak against the NDP motion put forward by the member for Terrebonne—Blainville.

Many Canadians, including privacy advocates, may not fully understand law enforcement investigative techniques. That is why I am very pleased to talk about this issue and to explain some of the myths surrounding it that are being put forward by the opposition and some members of the media.

Business of Supply

Let me begin by stating that Canada has a strong regime to ensure that the privacy of individuals is respected and protected. Electronic surveillance tools are used by law enforcement and intelligence agencies in limited and proportionate ways which respect both the spirit and the letter of Canadian laws.

Indeed, the warranted interception of communications is a vital tool to law enforcement and intelligence agencies. It is of great value in complex criminal investigations, whether they involve threats to national security, organized crime, or in some cases terrorism.

However, our Conservative Government agrees that transparency and accountability are critical to providing Canadians with confidence that law enforcement and intelligence agencies are using electronic surveillance tools appropriately.

Given that the telecommunications environment is always changing, we constantly strive to determine whether or not we are striking the right balance between the government's fundamental responsibility for the safety and security of our citizens, and an accountable, transparent national security system that ensures individual privacy rights are protected.

Contrary to the suggestions of members opposite, it is important to note that only the most basic information about the identity of the individual, called "basic subscriber information", can be released by telecommunications providers without a warrant.

When law enforcement and intelligence agencies make requests for basic subscriber information, it should not be viewed as an electronic surveillance practice, but a fundamental tool that these agencies need.

As a spokesperson for Bell Canada said:

Bell will only provide law enforcement and other authorized agencies with basic 411-style customer information such as name and address, which is defined as non-confidential and regulated by the CRTC [...] Any further information, or anything related to an unlisted number, requires a court order.

Another point that I believe has been lost in this discussion is that there is no need for the police to obtain court orders when individuals voluntarily provide this information.

We expect that telecommunication service providers abide both by the law and their agreements with their customers in terms of what they release to law enforcement and when they do so.

Let us take a moment to outline exactly what information is referred to as basic subscriber information. This is the basic information about a customer that is held by a telecommunications service provider. It comprises a subscriber's name, address, telephone number and, if applicable, email and IP address.

It does not, and I want to make this perfectly clear, include any information pertaining to the websites that a person has visited, the contents of any of their emails or text messages, or phone calls that have either been made or received by that individual.

We expect that telecommunication service providers only release basic subscriber information when it is for reasons of public good, such as to help police investigating a crime or, for example, identifying the next of kin.

Canadians can see past the inflated rhetoric from the NDP. This is not surveillance. This is not spying. This is certainly not snooping. Basic subscriber information gives law enforcement and intelligence agencies a very limited piece of information about an individual at a specific point in time. In fact, this is basic information that often proves vital to determining viable leads in an investigation.

With regard to another issue, electronic surveillance, the point I wish to make is one that cannot be stressed enough. In order to access the content of private communications of Canadians, law enforcement absolutely requires a warrant.

Another fact that cannot be forgotten is that key Canadian law enforcement and intelligence agencies, including the RCMP and CSIS, have independent review bodies that are empowered to investigate complaints regarding the conduct of officials and checking for compliance with the law.

The activities of CSIS, for example, are monitored by the Security Intelligence Review Committee. This review committee is composed of members appointed by the Governor in Council from members of the Queen's Privy Council.

• (1535)

In fact, currently there is a former NDP member of provincial parliament who sits on this very same committee. I would further note that CSIS, the RCMP, and CBSA are all subject to audits by relevant agents of Parliament, such as the federal Privacy Commissioner and the Auditor General.

Getting back to the issues of public reporting on electronic surveillance, we agree that transparency for Canadians and Parliament is also very important. In fact, the Minister of Public Safety and Emergency Preparedness presents an annual report to Parliament providing aggregate interception figures. That report is also available on Public Safety Canada's website for everyone to see.

We are extremely mindful that Canadians need to feel confident that investigative activities are conducted in an accountable and proportionate manner and as transparently as possible. For now, what we want to impress upon the members of the House, and all Canadians who may be tuning in today, is that our government will continue to ensure an appropriate balance between Canadians' privacy rights and the operational tools that ensure the safety and security of all Canadians.

In today's online world, requests for basic subscriber information are a necessity. These requests are made by law enforcement and intelligence agencies when there is a clear and demonstrated need to protect Canadians and Canadian interests. Requests for any further information that goes beyond simple identifiers, as I have just stated, must be done through judicial warrants.

Every country in the world has a duty to protect and respect its citizens, and that is exactly what Canada's laws do. Our government continues to expect that all requests for information about users of telecommunications services are done in strict accordance with Canadian laws.

Business of Supply

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened to my hon. colleague with interest, and a little surprise. This is a government that seems to be talking out of the both sides of its mouth. It first says it is just basic data that anyone can get in a phone book but that we need to do it immediately to stop all kinds of terrorist threats.

She mentioned ISP numbers and IP addresses and said that is ordinary; it is like looking in a phone book. I would like to quote Ann Cavoukian, Information and Privacy Commissioner of Ontario, who I am sure my hon. colleague would agree is a vigilant defender of Canadians' rights. She said that getting government information on an IP address is not like the digital equivalent of using a phone book. She stated:

...customer name and address information ties us to our entire digital life, unlike a stationary street address. Therefore, "subscriber information" is far from the modern day equivalent of a publicly available "phone book". Rather, it is the key to a much wider, sensitive subset of information.

I would like to ask my hon. colleague why this large subset of sensitive information would be opened up under Bill C-13 to so-called public officers, which would include Reeves, wardens, fisheries officers, and mayors. Under Bill S-4, this information will also be turned over to corporations that ask for it through telecoms. Then the telecoms would be given blanket immunity not to tell Canadians. Why is it that the government is going to expand who has access to this sensitive subset of information on the private lives of Canadians?

• (1540)

Ms. Roxanne James: Mr. Speaker, I have to first address the speaking from the two sides of the mouth. The New Democrats have put this motion forward today, but the very same member who moved the motion said they were pleased with the measures in Bill S-4. Therefore, we need to clarify who is speaking out of both sides of their mouths.

Mr. Charlie Angus: Mr. Speaker, on a point of order, if she is making claims about what I said, she has to retract that. That is a false statement. I would not say it is a lie because I could never say that, but she cannot make false statements.

The Deputy Speaker: Order. That is not a point of order.

The hon. parliamentary secretary can continue.

Ms. Roxanne James: Mr. Speaker, what we are talking about on this issue today is basic subscriber information. We are talking about the names, addresses, telephone numbers, and, if applicable, email and IP addresses. We are not talking about anything that has to do with the habits of people on the Internet, for example, the websites that they visit. We are not talking about the contents of people's emails, and we are not talking about whether there have been phone calls made or received and what the contents of them are.

In my speech, I talked about the measures that are required by law enforcement agencies in this country and the fact that this very basic subscriber information can help law enforcement agencies deal with issues of national security, terrorism, and organized crime. However, there are some other things that these types of subscriber information do to help police. I am going to list a few. They allow law enforcement to investigate Internet fraud, something that all Canadians are concerned about, and next of kin notification when

traffic accidents occur. There is also something that we talk about in the House, and it is in the news. It allows law enforcement to address suicide threats that individuals receive over crisis lines. All of those are important things for which law enforcement need the tools.

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, the parliamentary secretary just made a very good point. She talked about all of the tools that law enforcement agencies use to investigate crimes. Absolutely. They have to get a warrant to get that information. It is part of their duty to get a warrant.

The minister just blows off this IP address as if it is something that is common. My question for the minister is, would she mind providing me with her IP address right now?

Ms. Roxanne James: Mr. Speaker, the member is correct: a warrant is needed to get more information than just the basic subscriber information. When law enforcement agencies in the country contact telecommunications service providers, they ask whether they can provide some basic information. That is all that we are talking about here. We are not talking about all of the other things. The sky is not falling.

Let us face the facts. The message is clear that we need to ensure law enforcement agencies in our country have the tools that they can access within the parameters of the law, and there is no reason to believe that they are not.

This is what is keeping Canada's national security and helping investigators lead to charges for organized crime. When Canadians understand what the real issue is here, they will be on the side of our Conservative government.

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I want to first of all thank the Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness for sharing her time today. She gave an excellent speech on this topic and it is an honour for me to speak to this issue. I appreciate the New Democratic Party using its supply day that provides opposition parties an opportunity in every session a number of days to put forward any items they would like for discussion.

Frankly, in the past some of the topics that have been brought forward on supply days I thought were very much a waste of important time that the opposition is allotted. However, in this case it is important. It is in the news. It is something that has been happening in terms of information that is out there and it is important for us to have a debate on this and discuss what the facts are in this case and going forward.

There is an important balance required between privacy and the ability of law enforcement, in particular, to be able to do their jobs. The Conservatives have put in around 30 measures since we have taken office to improve issues with privacy and access to information regarding this and it is always important to have a balance.

Business of Supply

There have been a few misconceptions propagated in the press or in the House and connections with what was in the newspaper and Bill S-4 in the Senate that talks about PIPEDA and a number of other areas, but I want to focus on what is in front of us today. The main question is what type of information our law enforcement and intelligence agencies are requesting from telecommunications service providers.

The vast majority of those investigations were agencies requesting voluntary co-operation. Before we go any further, it is voluntary co-operation. They ask and the service providers provide. They are not providing all the content of what an individual may be using or looking at through their IPS or service provider, whether it is a cellphone or the Internet, but they are providing basic address information such as name and address.

A simple example would be this. The police could look in the phone book. They know where I live. I know who is on my street. I have lived there for 16 years. Police might come to my door and ask if so-and-so lives next door. I have to say "yes". I voluntarily provide that information and that is basically what has been asked for. I do not give the police permission to go into my neighbour's mailbox, open their mail, and read their mail. That is not the permission we are providing and that is being accessed here.

I would not expect the police or anyone else to be able to go into my mailbox in my house. I am happy for them to come to my door to find me. I think that is information that has been out there for many moons, but they are not entitled to go into my mailbox and read my mail. They can if they get a warrant through the judicial system that allows that to happen. That is exactly what is happening here.

The world is changing. In the late eighties, early nineties, I worked for a company and I had what was called a car phone. It was on a post attached to the floor of my car. At that time, there were few of us who had them, but times have changed. Now 21 million Canadians have access to a cellphone, they are texting and it is a different type of communication. There is no reason why we, as the government or the police force or intelligence agency, should not be able to keep up with the times. How are we going to do our jobs if we do not keep up with the times?

● (1545)

Many of my constituents think that government is always behind the times, and some days here I actually agree with them.

However, it is not about the content of this information that is voluntarily being provided. If a company decides that it does not wish to provide it on a voluntary basis, then the police force, intelligence agency, or whoever is asking for it, is required to go and get a warrant or whatever legal document they need through the legal system to be able to have access to that information. I have no particular issue with this. Does any of this information require a warrant? Not if it is voluntarily provided.

I would say that if there is any further detail about exactly what somebody is accessing through their email, who they are emailing and all of that larger data, even as it is grouped, is not allowed. One needs a warrant for that particular information. Megadata is not covered in the voluntary aspect of those requests and they would still need a warrant.

I think members will find that the information that has been asked for and voluntarily provided is very simple address information. The parliamentary secretary indicated a number of uses for that information, and I think that is appropriate.

I can say that if I had a loved one who was missing or recently found and officials were able to contact me because they were able to find, through who they were dealing with, my phone number so they could let me know that they had found this individual, I would be very happy for the police to do that.

I had my home broken into a number of years ago and we had some property stolen. We voluntarily provided the police information to contact us if they were able to find some of our stolen goods. In fact, the police did. They found it at a pawn shop and they contacted us. They were also able to track down the individual who was in our home and prosecute the individual for the crime against us.

This is the kind of information that is now available and required. It is address information that happens to be in an electronic format. It is not on paper any more. It is not a phone book on paper, but in an electronic format, and officials are able to use that.

The justice committee that I chair is presently looking at a cyberbullying bill, Bill C-13. We are just embarking on that study and as of tomorrow we will hear from victims of cyberbullying. We will also hear from police forces and agencies that protect children. I will be interested to find out how they feel about basic address information being provided to law enforcement organizations to help prevent this kind of abuse and tragedy that happens to our young people throughout the country.

I have great faith and trust in our law enforcement agencies, as I think all of us do in this House. I am confident that our law enforcement agencies are following the law that is on the books presently. They are gathering information that they are entitled to, which is given voluntarily to help them solve crimes. For information that is deeper and more informative that they need, they will get the proper legal documentation, whether that is a warrant or other devices available to them. I have confidence in our system.

I have confidence in our law enforcement agencies. I believe it is important to balance the issues of privacy and protection of the public. I believe our law enforcement and intelligence agencies do an excellent job for Canadians.

Business of Supply

•(1555)

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, it was a pleasure to listen to my colleague's speech because I had been worried all day that the Conservatives would take no interest in this debate, which is critically important. However, I have to admit that some elements of his speech left me dumbfounded, to say the least.

Each and every speech from the government side has downplayed the importance of the data, which includes addresses and telephone numbers. Given that we live in an IT world, it is just easier to proceed in that way, or so they say. However, all it takes is two clicks and one can find phone numbers on the Internet.

I am having a hard time understanding why the government is paying \$1 to \$3 per piece of information that it then claims to be of little consequence. Millions of dollars are being spent on obtaining information that could be found free of charge on the Internet.

All of that is being lumped in with serious examples that strike me as more important. We can all agree when it comes to breaking and entering, saving lives and national security. However, those examples cannot justify more than 1.2 million requests.

There is a huge difference between what is being downplayed and the real issues, which justify requesting information without a warrant in exceptional cases.

Could the member clarify?

[*English*]

Mr. Mike Wallace: Mr. Speaker, I am not sure what the question was. I do not think any of us on this side are saying that the information is not important. Why would the police forces or the intelligence agencies be asking for it?

The question is this. Is it important, is it voluntary, and does it assist the police in beginning the process of whatever investigation it has started, to help an individual or a family in terms of whatever they need that information for?

I do not think that anyone has said today that the 1.2 million requests are frivolous. The police and the intelligence agencies do not have time to ask for information from IP and telecommunications companies for frivolous reasons. It is important because there is an issue that needs to be investigated even further and it is just a start.

I would remind the House that this information that we are talking about has been provided voluntarily. Companies can refuse, if they feel so inclined. Then a warrant would be required for further investigation.

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, to the member, you are not getting it. This is the information that they are requesting. It is not—

The Deputy Speaker: Order. I would remind the member for Avalon to address his comments to the Chair. I do not know if I am getting it or not, but I think it is a bit rude to suggest that I am not. Therefore, perhaps you could address your comments to the Chair, not to other members of the House please.

Mr. Scott Andrews: Thank you, Mr. Speaker. I hear you. I do not know if you get it, but I know the member for Burlington is not

getting it when he talks about metadata and how the basic subscriber information is just people's address, phone number, and that. It is also their IP address. He talked about opening that mail from Canada Post and getting into his neighbour's mail. Part of subscriber information and metadata is the envelope, the mail that he just took out of his neighbour's box. He looked at who it came from and who it was going to. That is part of metadata. That is the part of this whole debate that is getting lost on the members of the government. It is metadata. It is not just people's address. We should not coat it over as just being people's address. It is also their IP address, and that information that is on the envelope, whether it is a mail envelope, a phone call, or a phone record. He is missing the point.

My question for the member is this. Would he give up his IP address voluntarily for the House if it is not such a big important piece of information? Does he have a problem with the outside of the envelope being provided as basic subscriber information?

Mr. Mike Wallace: Mr. Speaker, I do get it, contrary to the hon. member's question. If the police came to me and asked me who I called and what I said to them, I would be happy to provide it for them voluntarily because I have nothing to hide. I am not sure whether that would happen with my colleague from the other side.

On the voluntary piece, I have no issue with that. However, I do understand that once we get into that, it is important that people have the right to privacy, to say, "No. If you want to see who I've talked to and what we've talked about, if you want to see what websites I'm looking at and the information that I'm passing back and forth using the Internet, yes, you do need, if that's your decision, a warrant to get that information". That is what is still and continues to be protected under the law.

•(1600)

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, to begin, I would like to say that I have the pleasure of sharing my time with the hon. member for Chicoutimi—Le Fjord.

One day—yes, I said one day—is not really enough time to debate such an important issue. That is why I feel it is so important that the government listen to as many viewpoints as possible, from as many regions of the country as possible, so that it can hear and understand that beyond those telecommunications companies, there are real individuals. Those individuals did not necessarily give permission for their personal information to be shared.

I do not know if it was because the news about the amount of data that had been passed on came as a bombshell, but when I was preparing my speech, I was transported back in time, almost to the days of my youth. Like many MPs in the House, I presume, I had the sublime pleasure of reading George Orwell's *1984*, which won an award as one of the best science fiction novels. At the time Orwell was, in a way, telling us about what we are discussing here today.

Business of Supply

Since I read the book rather than seeing the movie, I had to imagine the setting myself. I never imagined a setting that looked like Quebec or Canada. I imagined a futuristic world that did not really exist. However, that is exactly what we are seeing with the topic we are discussing today. The fact that, right now, the government does not really know how big a problem this is, what data are being disclosed and the reasons why that is happening makes us think that Big Brother must have lost control somewhere along the way. In the book, things seemed to be a lot more under control. Things were not necessarily being done more intelligently, but they were a lot more under control.

We have often heard the government say how important it is to respect private companies and that the federal government has no business getting involved in companies' internal affairs. That position could make sense ideologically if it was consistently applied, but it seems that what is good for the goose is not always good for the gander.

We have now learned that the Conservative government no longer follows that rule. Not only does it frequently intervene in collective bargaining processes, for example, but it also solicits the support of telecommunications companies in obtaining Canadians' personal information. The Conservatives have been saying that the companies are not required to respond and that if they refuse to provide the information requested, then the government has to get a warrant.

That is all well and good, but I should have a say when it comes to my own personal information. The same is true for all Canadians. The telecommunications company should not be deciding willy-nilly, depending on its mood or which way the wind is blowing, whether it will agree to share my personal information with or without a warrant on the pretext that I have a service contract with that company.

Telecommunications companies have said that they disclosed personal information to the federal government 1.2 million times in 2011 alone. Based on the exponential growth of our means of communication and the huge increase in sales of telecommunication tools, one can only imagine that the 1.2 million instances of disclosure in 2011 have now reached an unimaginable number. However, one thing is for certain: that number is definitely higher than the bar set in 2011.

It is not the government's role to interfere in people's private lives. What is more, this practice has become so routine that one has to wonder whether it is not simply a nation-wide spying system set up for all sorts of reasons. As the employment insurance critic, I also have to wonder about this when I see the type of investigations being conducted by many EI investigators.

This information reveals the government's appalling approach to forcing telecommunications companies to disclose information, often without a warrant, as was mentioned earlier. For a government that claims to respect law and order, this is deeply hypocritical.

● (1605)

What is really happening? On April 29, 2014, the Interim Privacy Commissioner of Canada, Chantal Bernier, revealed that telecommunications companies had disclosed vast amounts of information to government organizations, including the Royal Canadian Mounted

Police, the Canadian Security Intelligence Service and the Canada Border Services Agency, as well as to certain provincial and municipal authorities that are unknown and cannot be named. The list would be even longer if we could get the information we do not have.

Information provided to the commissioner's office in late 2011 shows that wireless telecommunications companies responded to 784,756 government requests for information about customers. Surely that all happened very respectfully; surely companies had the right to say no. All the same, the government made 784,756 requests for information about Canadian cellphone customers. Nowadays, there are very few Canadians who do not have a cellphone.

Most of the requests were made without a warrant or judicial oversight. Telecommunications companies have refused to reveal how, why and how often they provided information to government organizations because they say that the government provided no guidelines or specifics about the rules. Somebody must have those answers.

I thought that this debate would help clarify some of these questions. Today, we heard in the news that the Prime Minister's Office was investigating to assess the scope of the problem. This is a huge mess. It is as though chaos has taken over in the departments and everyone is doing what they want, and as though the left hand does not know what the right hand is doing, which means that no one—or virtually no one—is held accountable.

The very first question we have is, why did the government make all of these requests? I do not understand why the government needs so much information. What can it do with all that information? I can obviously understand why certain government agencies or the police would need that information. We heard about that earlier. There are some excellent examples of situations on which everyone quickly agrees, and where information is needed to track criminals. However, it makes absolutely no sense that the government is requiring telecommunications companies to provide personal information on Canadians 1.2 million times a year, possibly without a warrant—and, as I mentioned earlier, probably even more times in 2014 than in 2011.

I want to compare this to the stigma associated with EI recipients, who are treated like fraudsters before their file is even opened. I get the impression that this way of looking at Canadians is becoming more common. The government starts by assuming that people have something to hide. It asks for information and then decide. That is not how it works in a lawful society.

Business of Supply

Is the law so permissive that the government has the right to monitor Canadians and to invade their privacy so easily? I would like to learn more about this. Unfortunately, the government has not provided any clarifications today. If it wants to track Canadians, it needs to have a good reason. If it has one, then it should go about things the right way and enact legislation. If that is not the case, we will have to find better ways to protect Canadians' privacy and personal information from the government's prying eyes. Without specific legislation, anything goes. I do not think that is how the rule of law works, nor do I think it is how a democratic government should operate.

What this motion is calling for today is quite simple and totally reasonable. We are calling on the government to listen to the Privacy Commissioner. Already we have a problem, because this government is not in the habit of listening to commissioners, but that is what we are asking for nonetheless. Commissioners are impartial officers of Parliament who provide a neutral perspective on situations and deserve to be heard, not to mention listened to. We are therefore calling on the government to listen to the commissioner and make public the number of disclosures made by telecommunications companies at the request of federal departments. We are calling on the government to tighten the rules governing the disclosure of personal information without judicial oversight and to update the privacy protection laws.

• (1610)

The NDP believes that we can effectively prosecute criminals and give them the harshest sentences under the law without treating Canadians disrespectfully, as though they were criminals, and without infringing on their rights.

[*English*]

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, I think everyone in the House recognizes the need for a balance between security and privacy. Striking that balance, of course, is an ongoing battle and always be, particularly with the technological changes taking place and that will take place in the future. We are very blessed in that we have a number of levels of scrutiny, whether it is the independent officers, accounting agencies, or everyone from ombudsmen to people who are dedicated to that duty.

As well, we have warrants. Being a person who at one particular point was involved in the judicial field, I can certainly appreciate the necessity and the opportunity on many occasions to use warrants, particularly in trying to find that balance between protecting the privacy of individuals and securing the ultimate protection and safety of our citizens, which to my mind is probably our number one priority as parliamentarians.

To try to put this in perspective, how many other countries in the world require a warrant? I would ask him to be mindful of that, because this could come back on him in a different perspective than he might consider, should he not be aware of this reality.

[*Translation*]

Mr. Robert Aubin: Mr. Speaker, I thank my colleague for that good question. It allows me to talk about something I did not have time to get to in my speech.

Since this morning, I have heard a number of parliamentarians on the government side talk about this notion of balance. I admit that I have great difficulty with that because when we talk about balance, we mean the two sides of the scale. For the scales to be balanced, each side must have equal weight. It is like saying there are just as many reasons to request personal information without a warrant as there are to request personal information with a warrant, but that is not true.

We have to put in place privacy protection and make exceptions where necessary. I think everyone can agree on that. However, everyone will also understand that we are not in the process of balancing the scales and that the times when it is acceptable to obtain personal information without a warrant will be the exception, not the rule based on a balance that we must find.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Mr. Speaker, once again my colleague is quite right: the Conservatives are headed in the wrong direction.

This government is providing more access to Canadians' personal information, not just to the United States, but to just about anyone, even mayors. That does not make sense. Telecommunications companies are receiving an increasing number of requests. Personal information must be protected.

We have already heard in the House that a Canadian was refused entry to the United States because of a past mental illness, even though he did not have a criminal record. That is happening more and more and that is what worries us.

Could the member comment on that?

• (1615)

Mr. Robert Aubin: Mr. Speaker, I would like to thank my colleague for her interesting question which echoes the case of one of my constituents.

A citizen of Trois-Rivières was refused entry to the United States because of information that he had never provided. He came to my office and the first question he asked was where had that come from and who had gained access to his medical file. I am not certain this is the case in every situation, but it is obvious that the disclosure of personal information and people's files is a growing problem.

On the Internet, you can look up an address or telephone number using Canada 411. However, I have the impression that an increasing number of organizations, including mayors and customs officers, now have an "Ottawa 11" that gives them a citizen's complete background. That is completely unacceptable because very often the information is completely unrelated to a criminal record or any kind of offence that should be disclosed.

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, I am troubled by the Conservative government's behaviour. I do not know what people think of a Big Brother state, but personally, I am very worried about a state like that controlled by the Conservative government opposite. The government has a long record of acting unethically and cheating during elections. I am not comfortable with the government using the tools it has to invade people's privacy.

Business of Supply

People might remember that former minister Vic Toews introduced a bill that would have done basically the same thing we are talking about today: spy on people to find out what they are doing on the Internet. We were criticized for opposing that bill. Mr. Toews even said that we were siding with pedophiles. What an utterly reprehensible thing to say.

Canadians are not stupid. Overall, they obey the law. People in other countries think we are good people, even naively nice people.

The government is collecting information about our lives without a mandate and without judicial or police authority, regardless of what kind of legal activities we are engaged in. It is important to point out that, so far, no Conservative member has shown that charges or convictions have resulted from most of the 1.2 million government agency requests for Canadians' private information. That makes me wonder if the government even sent requests to my Internet service provider, Vidéotron, to spy on me.

We know that this government likes to divide and demonize its adversaries. Just think of all those who opposed the proposed pipelines that could result in environmental disaster. They consider anyone who opposes the pipelines to be environmental terrorists, which is simply appalling. That worries me.

I think that people at home should also be wondering whether the government has made confidential inquiries about them.

We, as MPs, do not ask, but when the authorities who are tasked with protecting Canadians' privacy ask the government or the nine Internet service providers what happened, how much data was shared and if they can get the details, those Internet service providers keep silent. Only three of the nine Internet service providers gave the Privacy Commissioner information about the number of requests made by the government and its agencies.

I have a lot of questions. There were 1.2 million requests for personal information; that is a lot of Canadians. Why were those people targeted? For what reason? There is still a lack of transparency. We still do not know why those requests were made.

Members on the other side of the House of Commons are saying that it was to put criminals in jail or identify cases of fraud. Normally, when the police or the RCMP investigate, they have the tools they need to conduct a proper investigation and avoid creating a Conservative Big Brother state.

The government says that there could be cases where a person's life is in danger. We know that, luckily, the RCMP is able to intercept, via the Internet, a message of distress from someone who wants to commit suicide. I can understand why, at that point, they do not get bogged down in the details and request a warrant. There is not enough time. The federal government has a good relationship with Internet service providers, so police can act quickly and save the life of someone in distress.

• (1620)

I doubt that the Conservatives would have us believe that 1.2 million Canadians wanted to commit suicide in 2011. That is not the only statistic we have. However, for 2011, the federal government and its agencies made 1.2 million requests to access information from Internet service providers.

These companies provided the government with responses 784,756 times. We conclude that for some requests, the Internet service providers did not provide any results. In the meantime, as I was saying earlier, only three of the nine Internet service providers wanted to talk about the number of requests they received from the government. If we apply the rule of thirds and extrapolate, we can therefore say that the number of requests made by the government is somewhere in the millions.

That is why the NDP felt the need to move a motion today. My colleague from Terrebonne—Blainville is doing excellent work to try protect people's privacy from the Conservative government.

Let us be honest. I get the impression that we are increasingly in the "far web" instead of the "far west". The Conservative members across the way are comfortable with the idea of the far west, but to them, the "far web" is version 2.0.

That is why I am proud to support my colleague's motion, which I find quite reasonable. I hope that my Conservative colleagues will vote in favour of the following motion:

That, in the opinion of the House, the government should follow the advice of the Privacy Commissioner and make public the number of warrantless disclosures made by telecommunications companies at the request of federal departments and agencies; and immediately close the loophole that has allowed the indiscriminate disclosure of the personal information of law-abiding Canadians without a warrant.

I do not see what could be controversial about this motion. In light of how the Conservatives have been talking about it, I get the impression that they will vote against it.

I think it is important to note that law-abiding citizens are not subjected to investigations without a warrant. There were problems after the events of September 11, 2011, all over the world and in the United States and Canada. People would show up at the border only to be turned away for reasons that were unclear. People wonder how border officials had access to that information, and that is very concerning.

For anyone watching at home who just turned on their TV and who is wondering what we are talking about, we are talking about the absurdity of disclosing private information on Canadians to government agencies 1.2 million times.

On April 29, 2014, Interim Privacy Commissioner Chantal Bernier revealed that telecommunications companies had disclosed astronomical amounts of data to government agencies, including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Canada Border Services Agency and certain provincial and municipal authorities. For example, telecommunications companies said that they had disclosed personal information to the federal government 1.2 million times in 2011.

Business of Supply

I want to talk about IP addresses, which have come up a lot in the debate today. This address is like our identification card or business card when we are on the Internet. Every time a person goes on the Internet, whether it is via a computer, laptop or cellphone, they leave a stamp with an IP address on each site they visit. This information is also shared with the Internet service provider.

This means that when someone uses the Internet and does anything they legally have the right to do, a file is generated on their activity. Unfortunately, if the government can analyze and compile this information, this is a huge invasion of privacy, and I am very concerned about that. I think we deserve better than that in Canada.

• (1625)

I hope that the government will backtrack and allow people to live in peace.

[*English*]

Hon. Michelle Rempel (Minister of State (Western Economic Diversification), CPC): Times have changed, Mr. Speaker. We have seen how we interact with each other and with the world around us. This has changed with the Internet and with the way that we do business.

As my colleague mentioned, when people leave their footprint online, they are visible. He makes it seem like the government is somehow hacking into our personal information.

What does he think happens when he goes on Google? How does that little Google search button know what he is looking for? How does it predict what is in his mind with respect to what he is searching for?

When he goes to Wikipedia to make a change, why does it track our IP address?

The point I am trying to make is that there is also an onus on us to be aware much as we would have been in years gone past. We should be aware of who we are calling, where we are physically.

First, could my colleague comment on our government's get cyber safe initiative, which aims to educate people on how to act online? Second, given that basic subscriber information is restricted to that narrow scope of focus that my other colleagues have talked about today, could he name one other jurisdiction in any western country where a warrant is required to get basic subscriber information? Could he delineate between the use of the government on that as well as Google or Amazon.ca and if we should perhaps step into that territory as well?

[*Translation*]

Mr. Dany Morin: Mr. Speaker, I would like to thank my colleague for her many questions. I will not have much time to answer all six questions, but I will answer the first one. I will answer the rest if I have the time.

When we use search engines such as Google or Bing, and our information is corrected, we make the choice to use them. That is a big difference. When the Government of Canada investigates us, as indicated by the 1.2 million requests made in 2011, we do not have a choice. Essentially, it is a question of free will.

I personally have much more faith in Google than in the Conservative government. In fact, I would prefer to vote for Google rather than for the Conservatives in 2015.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I was somewhat surprised by the minister's question. It is almost as if the Conservatives are telling people what they should be looking at on the Internet or participating in on the Internet. I will have to reread exactly what the minister said.

It is important to realize that the Privacy Commissioner is an officer of the House. In 2011 she submitted an inquiry, and we have now found out that over 1 million requests went out which affected close to 800,000 Canadians. The government is trying to give the impression that these requests were all through warrants, but that is not the case. Thousands of names, addresses, and who knows what else are being released. We do not know what is being done with that information after it is received.

A litany of questions could be asked with regard to all the information that is provided, such as what happens when it is collected, what kind of safeguards are there. Maybe the member could comment on that.

• (1630)

[*Translation*]

Mr. Dany Morin: Mr. Speaker, although my Liberal colleague has a valid question, he is being smug.

The previous Liberal government and the current Conservative government both decided to take no action for many years. I have a very concrete example. The Privacy Act, which is supposed to protect Canadians' personal information and to ensure that the government is accountable for it, has not been updated since 1983, and predates the Internet, Google, email, Facebook and Twitter. That covers the Liberal and Conservative tenures.

The Internet existed when the Liberals were in power, but they, too, did nothing. As for the Conservatives, they prefer not to protect people. In 2015, Canadians who want to protect their privacy will have only one viable option: to vote for the NDP.

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Saanich—Gulf Islands, The Environment; the hon. member for Windsor West, Canada-U.S. Relations; and the hon. member for Thunder Bay—Superior North, The Environment.

[*English*]

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, before I begin, I will indicate that I will be splitting my time with the hon. member for Kootenay—Columbia. With his experience as a former police officer, I certainly look forward to hearing his perspective on this issue. Of course, I also welcome this opportunity to add my own voice to the debate today surrounding electronic surveillance and privacy. I will indicate, as well, that I will be opposing the motion put forward by the NDP member for Terrebonne—Blainville.

Business of Supply

When Canadians hear that law enforcement and intelligence agencies are asking telecommunications service providers for customer data, a reasonable question to ask is what these agencies are looking for. How can we know that the government is balancing the need for tools for law enforcement with the rights of citizens to not have their privacy unduly interfered with by the state? That is a reasonable question. The answer, of course, is that oversight mechanisms are in place to ensure that both telecommunications service providers and law enforcement and intelligence agencies stay within the boundaries of the law in that regard. In my time today, I will look at two excellent examples of how accountability and transparency sit at the very forefront of our government's activities.

First and foremost, every year the Minister of Public Safety and Emergency Preparedness tables the annual report on the use of electronic surveillance. That is tabled in Parliament so that all Canadians can read for themselves how law enforcement agencies are using interception, one of the key electronic surveillance tools, to assist in criminal investigations.

This annual report is an important accountability tool. It paints a clear picture of when and why law enforcement and intelligence agencies are requesting authorization from a judge for a warrant in order to intercept communications. It includes information, such as the number of applications made for authorizations, how many are granted and refused, and a general description of the methods of interception used, along with plenty of other information. This is a transparent and fully accessible reporting function that our government fulfills under Canadian law.

Another example of transparent action is the comprehensive response that Public Safety Canada provided to written Question No. 233, which was tabled on March 24 of this year. The member for Terrebonne—Blainville requested that Public Safety Canada and its portfolio agencies provide thorough data on when and why law enforcement and intelligence agencies are requesting information from telecommunications service providers. Again, with this response being tabled here in Parliament, it is open and accessible to all Canadians to better understand how these agencies are requesting and using electronic data.

In fact, the government's response to Question No. 233 provides a comprehensive look at how law enforcement and intelligence agencies work and why they need to request information from telecommunications service providers. The response provides clarity on what has unfortunately become a clouded debate about what is happening with the personal information of Canadians. In his response, the Minister of Public Safety and Emergency Preparedness was clear: public safety agencies work within the strict confines of Canadian law to strike an appropriate balance between privacy rights and public safety.

It is helpful to look at the information provided by these agencies, as it helps to further clear up any misconceptions that are being put forward by the opposition parties and the media.

First, let us look at the Canada Border Services Agency. For the year ending March 31, 2013, the CBSA made 18,729 requests for basic subscriber information from service providers. Again, to be clear, this basic subscriber information only identifies who the individuals are, including things like their name, address, phone

number, email address, or IP address, and nothing more. The CBSA is authorized to make these requests when border services officers believe that the information is necessary to support an investigation into contraventions of legislation that the agency is responsible for enforcing.

Next is the Canadian Security Intelligence Service, or CSIS. CSIS carries out a complex and serious mandate. Its job is to investigate and advise the government about suspected threats to our national security.

● (1635)

Because today's world functions online, our intelligence agencies must also function online in their investigative work. Usually that means that CSIS would make requests to the telecommunications service providers for basic subscriber information. In some instances, this basic information is not enough. In the face of a serious national security threat, the service can go to a judge to request a warrant for electronic surveillance or intercepting private communications.

However, no matter what the situation, CSIS conducts its activities in full accordance with the law. Indeed, it is subject to a number of checks and balances when doing its work. This includes full and independent review by the Security Intelligence Review Committee, as well as a review by the Privacy Commissioner, the Auditor General, and other officers of Parliament.

Finally, I would like to turn to the RCMP. Police, of course, must have the proper tools at their disposal to investigate criminal activities. Those criminal activities are increasingly taking place online. These activities run the full gambit, whether they are trying to bust a drug gang or human smuggling ring, investigating a threat of physical violence, or trying to identify anonymous child predators who are distributing child abuse images on the Internet. That is to name just a few examples. Police need access to basic subscriber information to do this critical work, to keep Canadians safe from these criminal activities. In some cases, this is the only avenue to advance a criminal investigation.

For the most serious cases, the RCMP may make application before a judge for an interception authorization under part 6 of the Criminal Code, to access real-time content of private communications, such as emails and phone calls. However, in doing so, the RCMP must first demonstrate that it has exhausted all other investigative avenues. Furthermore, the RCMP reports on its use of interception authorizations through the aforementioned annual report on the use of electronic surveillance in Canada.

The RCMP's collection and use of information gathered during investigations, including basic subscriber information, is scrutinized for compliance with the Constitution during the trial stage. If the information is not collected in a lawful manner, the trial judge could exclude the evidence.

Business of Supply

These are just a few key examples of how our government is responding to the concerns of Canadians on why and when law enforcement and intelligence agencies are requesting information. Canadians can rest assured that our Conservative government will continue to work to ensure an appropriate balance between giving police the tools they need to do their job and protecting the privacy rights of Canadians.

We will also work to ensure that we keep criminals behind bars, where they belong. That is why we have introduced more than 30 tough-on-crime measures since coming to office. Unfortunately, the NDP has obstructed and opposed virtually all of these important measures. Canadians know that when it comes to important issues of public safety, only our Conservative government can be trusted.

• (1640)

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, there seems to be a lot of confusion about what an IP address is. Everyone is saying it is just an IP address. Well, an IP address can tell a lot about a person. In some cases, it could tell where someone has been, what they are doing, which computers they have logged into, and which Wi-Fi ports they have logged into. If I sign into different Wi-Fi ports all day long, someone can see where I have been all day long.

My question for the member opposite is, can he give me the definition of an IP address?

Mr. Blake Richards: Mr. Speaker, obviously what the member is trying to get at is the idea that this could be the basic information that must be provided.

When law enforcement agencies and others are requesting other information, when they seek to intercept communications or to have access to private communications, obviously in those cases there is a need for a warrant.

Probably the best way that I can respond to the concerns that the hon. member is trying to raise would be the quote from a spokesperson from Bell. They indicated:

Bell will only provide law enforcement and other authorized agencies with basic 411-style customer information, such as name and address, which is defined as non-confidential and regulated by the CRTC [...]. Any further information, or anything related to an unlisted number, requires a court order.

When we read that, it is quite clear that we are talking about basic subscriber information. When we are looking at the ability to intercept communications by law enforcement agencies and others, of course there is a need for a warrant to be obtained for that.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, going back to 2011, the Privacy Commissioner put in a request, and we found out that there were 1.2 million requests for private information. Those were without warrants, of course.

The member made reference to Canada border control, saying that there were 18,000 and something requests from that one organization. He did not say how many requests that CSIS has put through, nor the RCMP.

I would be interested in knowing if he has that information. That would be valuable to the debate.

Could he also provide us with any indication of who else there is? Out of that 1.2 million requests, we know that 18,000-plus came from Canada Border Services Agency. What about the other million-plus requests? Can he provide us with that sort of breakdown? Further to that, what is done with the information once it has been collected by the party requesting it?

• (1645)

Mr. Blake Richards: Mr. Speaker, I do not have the exact figures at my fingertips, but I will reiterate what I have already indicated to help reassure the hon. member. There is a process. All government agencies that request information must follow the law, follow that process.

We are talking about basic subscriber information, a name and address, the kinds of things that are publicly available, in many cases on 411. In order for someone to have access to private communications, et cetera, and in order for the agencies to request that, there must be a warrant obtained.

I hope that will reassure the hon. member regarding some of the concerns he has identified. In order to get anything other than basic subscriber information, there is a need for a warrant.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, since the member's position was made very clear, I suspect that he will be voting yes to this motion. If there really are no disturbing warrantless access requests, there would be no reason not to accept the advice of the Privacy Commissioner and to make public any number of warrantless disclosures.

I am encouraged that the hon. member plans to vote for this resolution.

Mr. Blake Richards: Mr. Speaker, I am not sure what speech the member was listening to, but certainly in the speech I gave, I indicated I would be opposing the motion and the reasons for that.

I would encourage her to listen more closely in the future.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, It is a pleasure to rise today and highlight the measures our government is taking to protect the privacy of Canadians.

As members of this House are aware, the Personal Information Protection and Electronic Documents Act, PIPEDA, has been in force since 2001. I would like to focus my comments on one area in particular, and that is the role of the Privacy Commissioner of Canada in promoting compliance with PIPEDA and increasing accountability among organizations that collect, use, or disclose personal information.

First, let me begin with a bit of an explanation of how the act works when it comes to compliance. Under PIPEDA, the Privacy Commissioner serves as an ombudsperson. Individuals who feel their personal information has been improperly handled by an organization have the right to complain to her office.

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The commissioner has the power to investigate, enter premises, compel evidence, mediate a settlement, make recommendations, and publish the names of those who contravene PIPEDA. In short, the privacy commissioner investigates complaints and works with companies to make sure they comply with the act for the protection of all Canadians. The commissioner has a range of powers, but as an ombudsperson, takes a co-operative and conciliatory approach wherever possible. This encourages the resolution of complaints through negotiation and persuasion.

At the conclusion of an investigation, the commissioner releases a report of findings that outlines whether or not the organization in question has contravened the act and whether or not the complaint was resolved. This report also includes notice of any action taken or proposed to be taken by the organization. It may also include reasons why no action was taken.

Under PIPEDA as it now stands, the commissioner or individuals can apply to the Federal Court for a hearing on any matter related to the original complaint within 45 days of the commissioner's report. The court has the authority to order the organization to change its practices. The Federal Court can also award damages to Canadians when their privacy has been violated and they have suffered from some form of harm as a result. That is how compliance currently works.

However, as technology has evolved, we as members of this House must ensure the commissioner is able to hold organizations more accountable for their handling of personal information for the protection of Canadians and their privacy. It is for that reason that our government has proposed increased power to enable the Privacy Commissioner to better do her job. It is clear from the remarks from the Privacy Commissioner of Canada that our government is on the right track.

Before our government tabled Bill S-4, she said, "I welcome proposals..." in this bill. This bill contains "...very positive developments for the privacy rights of Canadians".

We work with the Privacy Commissioner of Canada, we protect the best interests of everyday Canadians and we make sure that we move forward to modernize our digital privacy laws. This is why we are proposing this bill, which includes three important changes to keep companies accountable when dealing with Canadians' personal information.

First, we want the commissioner to have the authority to negotiate compliance agreements.

Second, we want to extend the length of time the commissioner or individuals have to bring matters before the court. Instead of the very limited time of 45 days, we would extend that timeframe to one year.

Third, we want to give the commissioner greater power to name and shame organizations that are breaking the rules.

Let me describe each of these changes in a bit more detail.

Going to court to resolve a dispute can be costly both for the organizations implicated and the Office of the Privacy Commissioner.

● (1650)

A compliance agreement is a powerful tool that provides an alternative to taking an organization to court. These are voluntary but binding agreements between the commissioner and the organizations that recognize they need to take action to improve their privacy practices.

These agreements benefit both sides. They can provide an organization with certainty and clarity about what specific steps they need to take, and a specific timeline to ensure they are compliant with the rules. These binding agreements also give the organization the certainty that it will not face court action by the commissioner—

The Deputy Speaker: Order.

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I would like to point out one thing. We are not debating Bill S-4 right now. We are debating the opposition motion moved by the NDP, which specifically calls for transparency measures when it comes to the 1.2 million instances of disclosure of personal information. We are also asking that the government close the loophole in the legislation.

This really has nothing to do with Bill S-4. I am certain that we will have the opportunity to debate the bill and I will be pleased to participate in that debate, but now is not the time to do that.

[*English*]

The Deputy Speaker: As we are all aware, the range that we allow for debate in this House on any topic, including this one, is quite broad. I have to say I have been following, to some degree, the point being made. I think I know where the member for Kootenay—Columbia is going, so I am going to allow him to continue.

Mr. David Wilks: Mr. Speaker, these new binding agreements give the Privacy Commissioner more power to ensure organizations are accountable.

Currently, agreements made between organizations and the commissioner are non-binding. If a firm does not undertake the action it agrees to, the commissioner has little power to hold the organization to account, but with a binding compliance agreement, the organization knows that if it does not abide by the terms of the agreement, the Privacy Commissioner can take it to court.

It may interest my colleagues to know that compliance agreements are a common tool used by other commissioners to ensure that the rules are followed, that includes the Commissioner of the Financial Consumer Agency of Canada to enforce the Bank Act, as well as the Minister of Health to administer the Consumer Product Safety Act.

Business of Supply

As I mentioned earlier, we are also proposing an increase in the length of time an individual or the Privacy Commissioner has to take organizations to court. Currently, complainants only have 45 days to file a court application. This timeframe is a crucial window for the commissioner to collect evidence or to negotiate an agreement with organizations. However, 45 days is simply not enough time. The commissioner often provides organizations with a reasonable amount of time to collect their privacy practices. It is often over 45 days, and in some cases it is up to a year.

With the 45-day clock ticking, and having run out in most cases, the commissioner is left with little recourse if any organization reneges on the agreed-upon recourse. This is why we are proposing to increase the timeline to one year between the time the report is issued and the deadline for taking matters to court.

The third improvement we are proposing is to give the Privacy Commissioner the ability to name and shame non-compliant organizations with the public. Currently, the commissioner can only publicly reveal information about the way in which an organization handles personal information. The commissioner cannot, for example, disclose that an organization is not co-operating with an audit or is otherwise acting in bad faith, and yet, for many organizations, this could be the most effective tool in holding them to account and encouraging them to improve their practices.

It could be used, for example, against foreign-based companies that are otherwise beyond the reach of Canadian courts. If they refuse to co-operate with the request for information, the commissioner could publicly disclose this fact, which would send a signal to consumers of the privacy implications of the organization's practices. The organization would in turn have to explain to their customers why they are not respecting Canadian privacy laws.

Ultimately, this empowers Canadians. It gives consumers the information they need to make informed choices about the practices of the companies they deal with.

Our government is taking action to give the Privacy Commissioner new power to ensure Canadians' privacy is protected and that Canadians play by the rules. This is just one of the ways we are providing Canadians with the confidence that their privacy and personal information are protected.

• (1655)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I would like to go back to the number of requests. We hear about 1.2 million requests, and that is a large number of requests. Every time there is a request, identification is provided to whomever happens to be making the request. The question I have for the member is strictly with reference to who is making the request.

One of his colleagues made reference to the fact that there were 18,000 requests from the Canada Border Services Agency. How many requests in 2011, even if he could give us a ballpark number, did the RCMP and CSIS make, and, most importantly, what other agencies made requests? Are there other agencies that we are not aware of that made requests that make up that 1.2 million in total? Does the member have any sense of who has actually made requests that he could share with Canadians this afternoon?

Mr. David Wilks: Mr. Speaker, although I do play baseball, I cannot give the member a ballpark figure. I do not have them. There were 1.2 million requests made and if the Privacy Commissioner found any of them to be out of line, I am sure he or she would have said so.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, my question deals with the answer my Conservative colleague gave to the last question he was asked. He said that if the Privacy Commissioner had found that any of the 1.2 million requests were out of line, she would have said so. The problem is that the Privacy Commissioner does not have access to that information because the government and the telecommunications companies are not required to give it to her. That is what we are asking for today.

If none of the 1.2 million requests were out of line, then that information and all of the details surrounding those requests should be made public. That is what we are asking for today. I do not understand why the Conservatives are opposed to our motion today. We want more transparency and that seems to be what they want too.

Can the member explain why he is opposed to this motion?

• (1700)

[*English*]

Mr. David Wilks: Mr. Speaker, the way this government is taking care of the privacy of Canadians is very good for all Canadians and this motion will do nothing for Canadians.

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, I want to touch on the questions being asked by the Liberal member of Parliament for Winnipeg North. He has brought up something twice with regard to a previous speech and Canada Border Services Agency. He referenced the 18,000 requests for basic subscriber information. I believe the total figure was 18,729 requests.

The important thing to note is that the fruits of those particular requests have resulted in the removal of over 115,000 people who are in this country illegally. These are people with serious criminality. I would like to thank the member for Winnipeg North for bringing it to my attention. This is just one example of how crucial it is for different law enforcement agencies, including Canada Border Services Agency, to obtain this information, investigate, and remove the people who are causing harm or threat to Canadian citizens.

The question I would like to pose for my hon. colleague is whether there are any privacy concerns. It is, in fact, true that here in this country there are independent bodies that oversee these types of agencies and it has never been brought to our attention that there has ever been a violation of the laws that govern these agencies. I would like to ask the member for Kootenay—Columbia if he could comment on that and whether any concerns have come from those independent bodies.

Business of Supply

Mr. David Wilks: Mr. Speaker, I have not heard from any other agency with regard to information that should not have been released. To be quite clear on this, an individual's private information that is protected under the charter cannot be released without a warrant. Police officers and other enforcement agencies in Canada are well aware of that fact.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is a pleasure to stand in support of the official opposition New Democratic motion introduced by our superb colleague, the member for Terrebonne—Blainville. I should point out that I will be sharing my time with my hon. colleague, the equally commendable member for Beaches—East York.

The motion before the House today reads as follows:

That, in the opinion of the House, the government should follow the advice of the Privacy Commissioner and make public the number of warrantless disclosures made by telecommunications companies at the request of federal departments and agencies; and immediately close the loophole that has allowed the indiscriminate disclosure of the personal information of law-abiding Canadians without a warrant.

If we think about those words, and I know Canadians will think about the text of the motion, who could possibly not support this? Who could possibly oppose a motion of the House of Commons in Canada that the government should simply tell the public how many warrantless disclosures are made by telecommunications companies at the federal government's request and close a loophole that allows the indiscriminate disclosure, meaning the improper disclosure, of personal information of law-abiding Canadians without a warrant?

I would have thought that every member of the House would stand in support of such a motion, a motion that preserves and protects the very elementary privacy rights and expectations of Canadians everywhere, but that is not the case, because Conservatives in the House do not support the motion.

I am going to talk about how the motion came to be.

In summary, the motion addresses what we now have learned are rampant requests to telecommunications companies in Canada by various government agencies for Canadians' private information, often—in fact, normally and mostly—without a warrant.

We are calling on the government to listen to the Privacy Commissioner, an independent officer of the House, to make public the number of requests disclosed by these companies, and to tighten the rules that allow it to happen.

This came out of an access to information request that determined that at least one Canadian telecom was giving the government unrestricted access to communications on its network, according to documents from Canada's Privacy Commissioner. The documents were obtained by University of Ottawa digital law Professor Michael Geist. He cited at that time an unnamed telecom firm as saying that it had allowed the government to essentially copy the communications data moving on its networks.

I quote Mr. Geist:

Interception of communications over data networks is accomplished by sending what is essentially a mirror image of the packet data as it transits to network of data nodes.

Then the Privacy Commissioner's document states:

This packet data is then sent directly to the agency who has obtained lawful access to the information. Deep packet inspection is then performed by the law enforcement agency for their purposes.

“Deep packet inspection” is a method of analyzing Internet traffic to determine the exact type of content. It can distinguish between emails, file-sharing and other types of internet communication, and can be used to build statistics about an internet user.

This statement appears in the document prepared by the law firm Gowling Lafleur Henderson for the Privacy Commissioner. It summarizes nine telecom firms' responses to questions about law enforcement access posed by the commissioner.

Mr. Geist called this “an incredible admission”.

He asks:

Are there legal grounds for these disclosures? Who is doing this?

He goes on to say later:

Given the uncertainty of the enormous privacy implications, the Privacy Commissioner of Canada is surely entitled to investigate this admission using her current powers under PIPEDA.

Documents subsequently released by the interim Privacy Commissioner, Chantal Bernier, revealed that the government made about 1.2 million requests for subscriber data about Canadians from Canadian telecoms in 2011 alone. Mr. Geist calculates that it works out to one request every 27 seconds, and the Privacy Commissioner's report showed that telecom firms complied with the requests at least 784,000 times.

● (1705)

This issue engages one of the most important values that mark our nation. It is a value that marks our democracy. It is cherished by Canadians, valued by Canadians, and expected by Canadians. That is the value of privacy.

The government exists to protect its citizens. It exists to safeguard our rights, our interests, and our opportunities, so when the government is actually found to be the source of secret requests to private firms to try to get private information about Canadians without their knowledge and without ever appearing before a judge in a court to demonstrate that the government has any lawful interest in that information, in my view that is a violation of the most fundamental precept and obligation of the government. That is what is happening under the watch of the Conservative government.

I want to go through a few facts here. Canadian telecommunications providers collect massive amounts of data about their subscribers. These are the firms that have been asked by the government's agencies to disclose that information to law enforcement agencies. In 2011, providers responded to almost 1.2 million requests, but the actual total is likely even greater, since only three of nine telecom companies told the commissioner's office how many times they granted the government's request for customer data.

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In 2010, RCMP data showed that 94% of requests involving customer name and address information was provided voluntarily, without a warrant. The Canada Border Services Agency obtained customer data from telecom companies 19,000 times in one year, and it obtained a warrant in fewer than 200 of those cases. Significantly, one Canadian company has told officials that it has installed “what is essentially a mirror” on its network so that it can send raw data traffic directly to “federal authorities”.

The Privacy Act, which is meant to protect Canadians' privacy and keep the government accountable, has not been updated since 1983, before the Internet, Google, email, Facebook, and Twitter were even invented. PIPEDA, which protects Canadians' privacy in the private sector, has not been updated since 2000. Once again, that is before Facebook, Twitter, and social media had really taken off in our country.

I would think that if the government is really concerned about the values of privacy and protecting Canadians' rights, it would spend time in this place modernizing those acts and doing so in a way that is consistent with Canadians' expectations. Instead, it is doing the opposite. It has introduced Bill C-13, a bill that is expressed to be aimed at attacking cyberbullying, but which is expected to expand warrantless disclosures of Internet or cellular subscriber information to law enforcement.

Bill S-4, the digital privacy act, has been introduced in the Senate. It would also extend the authority to disclose subscriber information without a warrant to private organizations, and not just law enforcement agencies. It would also allow telecom companies to disclose the personal information of consumers without their consent and without a court order to any organization investigating a contractual breach or possible violation of a law.

There are many validators of the New Democratic position. New Democrats think privacy laws should be modernized and strengthened to better protect Canadians' personal information, not weakened. New Democrats believe that we can and should aggressively pursue criminals and punish them to the full extent of the law without treating law-abiding Canadians like criminals and violating their rights.

Privacy is something that must be judiciously and carefully guarded by every generation. We have people as diverse as Benjamin Franklin, who said that those who would give up liberty for a little security deserve neither. We have organizations as diverse as the Council of Canadians and the Canadian Taxpayers Federation, who are joining together in their concern about the issue of violations of privacy and surveillance of Canadians' private interests on the Internet by the government.

I say that what Canadians want of their federal government is for it to protect their privacy interests, not be complicit in violating them.

• (1710)

For the Conservative government to allow 1.2 million requests to go to telecoms for Canadians' personal information without their consent, without their knowledge, and without a court order is something that every Canadian in this land would disapprove of.

I ask all of my colleagues in the House to vote for this well-thought-out motion.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, on a number of occasions the member referred to the term as “warrantless search”. My understanding as a police officer of 20 years is that there is no such thing as a warrantless search. One either has a warrant or one does not. If not, then voluntary compliance can be asked for, but that is as far as it goes, and the amount of information that can be provided without a warrant is very minimal.

I would ask my colleague to please define what a warrantless search is, because I have never heard of one as a police officer.

Mr. Don Davies: Mr. Speaker, it is fortunate to have a police officer asking a lawyer about the law, and I will be happy to elucidate for him a little bit.

• (1715)

Mr. David Wilks: I never listen to lawyers either.

Mr. Don Davies: Mr. Speaker, it is too bad that the member does not listen to lawyers, because he would know that there is the concept of hot pursuit, which is a situation in which police officers believe that a crime is in process and they do not have time to get a warrant. In those opportunities they are allowed to proceed with a warrantless search, and I am surprised the member does not know that. Those are the two different possibilities of a warrantless search.

The point here is that Canadians believe our police officers and our law enforcement agents need the tools required to catch criminals. All of us in the House agree with that. However, general respect for our law and our general legal system require federal authorities to go before a judge and demonstrate to that judge why Canadians' expectation of privacy should be violated before that is done.

It is not up to Canadians to have to justify why they deserve privacy; Canadians have that as a matter of right. It is up to the state to justify why it intends to violate Canadians' privacy.

I would guess that if 1.2 million requests by the government for information on Canadians were done without a warrant, then many of those examples were probably done without just cause and violated Canadians' privacy. That is wrong.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, it is always a pleasure to listen to the member's very cogent comments on topics involving legal issues.

The member is speaking to plain view evidence. From my engagement in environmental enforcement, I know that reasonable cause is needed to seek a warrant, or it can be plain view evidence. In this case, is it because they simply do not have reasonable cause, that they are circumventing and trying to get the information they could not even get a warrant for?

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I wonder if the member could speak to the contradiction that is going on in what the government is doing. It has denied repeated requests by the commissioner of elections to seek information in the investigation of election fraud and has refused to give powers to the commissioner of elections, yet it is extending this power to persons who are not even police officers and in some cases, I understand, are not even regulatory officers.

Perhaps the member would like to speak to the contradiction that is going on in the government.

Mr. Don Davies: Mr. Speaker, I want to commend my hon. colleague from Edmonton—Strathcona for her outstanding work in the House.

She is a lawyer as well, so she is highly conversant with many of these concepts. I wish more of our friends on the other side of the House were. Given their recent record before the Supreme Court of Canada, it would seem that nobody on that side of the House is aware of the Charter of Rights and Freedoms or how the Constitution works in this country.

The contradictions are amazing. I heard a contradiction earlier today that really summarized the lack of coherence in the government. The government justified its removal of the long form census because it felt that it invaded Canadians' privacy by asking them how many bedrooms they had in their house. I heard Conservatives stand in the House and claim that this was a serious violation and justified the removal of what Canadians have relied on as data integral to planning all sorts of social programs and government policies in this country.

However, Conservative after Conservative has stood in the House and justified and defended and backtracked on information that their own agencies that they are supposed to be in charge of are sneaking behind Canadians' backs 1.2 million times and getting their private information from telcos without telling them and without putting that information before a judge for a warrant. The contradictions are stark right there.

As my hon. colleague just pointed out as well, police officers need and deserve to have the tools they need to interdict crime when it is happening. If evidence is in plain sight or if evidence is at risk of being destroyed imminently, there are all sorts of opportunities in our law that justify and allow a police officer to act quickly without having to get a warrant, including telewarrants, which I neglected to mention. There is a 24-hour opportunity to get telewarrants when it is impractical to get a warrant and wait that length of time.

It is up to police officers to justify why they need these extraordinary powers to violate Canadians' privacy. It is not up to Canadians to justify it.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I am very pleased to stand in the House this afternoon in support of the motion by my colleague, the MP for Terrebonne—Blainville, on this great opposition day.

It is a day in the House to be talking about privacy issues. This morning I had the privilege of speaking in support of Bill C-567, an act to amend the Access to Information Act (transparency and duty to document), put forward by my colleague from Winnipeg Centre.

This morning's bill and this afternoon's motion complement each other very well. Together they demonstrate to Canadians our NDP desire that it be the citizens of this country, not the government of this country, who are able to conduct their lives with a reasonable expectation of privacy and that it be the government of this country, not its citizens, that has the obligation to operate in a manner that is transparent, open, and accountable.

If there is a simple conclusion to draw from the sum of the whole day, it is that the current Conservative government has it backwards, upside down, and twisted all around. The Conservatives stand in support of government privacy, of, in fact, the necessity to operate free from the scrutiny of the citizenry of Canada and those they elect to hold the government accountable.

How, the Conservatives ask in response to Bill C-567, can they operate at once openly and honestly? If they are to tell the truth, it must be behind the curtain, they argue, in the dark, out of earshot, and away from the gaze of the public and opposition members of this place. On the other hand, they demonstrate no mere disregard of the privacy rights of Canadian citizens. They demonstrate an appetite, a voracious, seemingly insatiable appetite, for the private information of Canadians.

Much is made of the fact that we live in new and different times, with new forms of information and new means of accessing that information. There is truth, of course, to this, undeniably. I think all of us are alive to the ease with which information we consider private is accessible to those who want to put some effort, and not much is required, into accessing it. Our expectation of privacy is diminished as a result, simply because we know the ease with which we are vulnerable. Therefore, we see the narrative here being one of the need to modernize our laws to take these new circumstances into account. That does not account for the conduct of the current government.

The problem before us is not simply one of a government that has not come up to speed, that has failed to respond in a timely way to these new circumstances, and that has left exposed loopholes in the formulation of the laws of this country. That would paint a picture of an incompetent or slow, but certainly benign, government. No, the current Conservative government is anything but benign.

Confronted with a loophole for accessing the private information of Canadians, a benign government may simply fail to close that loophole. The current government lets through that loophole, fully, completely, and head first, with great enthusiasm and an obvious lust for what it might find on the other side. What we have before us is evidence of this lust.

Very recently, the Privacy Commissioner of Canada, Chantal Bernier, revealed that Canadian telecom companies disclosed massive volumes of information to government agencies, including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, Canada Border Services Agency, and provincial and municipal authorities.

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Telecom companies disclosed personal data to the Canadian government 1.2 million times in a single year. We can of course concede that a balance is to be found between privacy rights, public security, and other concerns, including immediate danger to life. However, this can be nothing other than an indiscriminate fishing expedition of monumental proportions that the Privacy Commissioner has revealed to us.

These volumes equate to information requests with respect to one in every 34 or so Canadians. The vast majority of these requests are made without warrants. These volumes equate to a request for personal data, by the federal government to a telecom company, once every 27 seconds.

● (1720)

So great is the volume of information requests that one telecom company has advised that it has installed what it calls “a mirror” on its network so that it can send raw data traffic directly to federal authorities. Michael Geist, a digital law professor at the University of Ottawa, says this of what is happening:

This is happening on a massive scale and rather than the government taking a step back and asking is this appropriate...we instead have a government going in exactly the opposite direction—in a sense doubling down on these disclosures

It is easy to find further evidence of this doubling down, of this appetite for private information. One cannot help but note that Bill C-13, which is purportedly about cyberbullying, is more about lowering the bar on government access to information. The “reason to believe” standard is being replaced with a “reason to suspect” standard, opening up much greater warrantless access to electronic information. Moreover, Bill C-13 would allow a broader and lower range of government officials to have access to the private information of Canadians.

Bill S-4 will also be coming before this House, we suspect. That bill would permit non-governmental organizations and corporations to have access to information from telecom companies. FATCA, the Foreign Account Tax Compliance Act, buried deep in the budget bill, would expose the financial information of about one million Canadians to the U.S. government, and so on.

In light of all of this, one could argue that there is a kind of naiveté to the motion I speak in support of today. Certainly the first part of the motion is easy enough. It is, in fact, all the Privacy Commissioner has requested. She has said:

I'm not disputing that there are times when there is no time to get a warrant—life is in danger...

What we would like is for those warrantless disclosures to simply be represented in statistics so that Canadians have an idea of the scope of the phenomenon.

...It would give a form of oversight by empowering citizens to see what the scope of the phenomenon is.

It is a modest enough proposal: at least let me see what it is the federal government is doing here.

However, we are also asking the government to close the loophole that has allowed the indiscriminate disclosure of the personal information of law-abiding Canadians without warrants. In so doing, we must recognize that we are asking the predator to restrain itself, to bind itself, to limit its own appetite for our private information, to guard itself. It has no such impulse, no such sense of constraint, as is

obvious from the 1.2 million requests, by Bill C-13, by Bill S-4, and by FATCA.

Here is the very saddest part of this. As we engage with each other through the technologies of this modern world, we do so with some trepidation about how exposed we are to the prying eyes and interests of others, and part of what we need to be concerned about now, we find out, are the prying eyes and interests of our own government. Rather than being able to rely on our own government to support us and to protect our privacy in this modern world, it appears that our government is itself a cause for concern.

● (1725)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to go back to the Privacy Commissioner's request. My understanding is that there was a request to some 13 companies. Of those 13 companies, nine responded anonymously and four did not respond. We know that they included companies such as Bell Canada, Telus, Rogers, Shaw, SaskTel and other companies, such as Twitter, Google, Apple, and so forth.

We understand that in excess of one million pieces of information about Canadians were actually released. From what we can tell, it included things such as their addresses and names and phone numbers. In trying to get a breakdown of where or who the people were who were actually requesting, we found out earlier that Border Services was one of them. I asked how many requests there were from the RCMP and CSIS, and there were blank faces on the other side. We do not know how many have actually been requested by organizations such as those.

Does the member not believe that it would have been of some value, given the importance of today's debate, if the government members had come a bit better prepared to answer questions of that nature?

Mr. Matthew Kellway: Mr. Speaker, yes, I think it would have been reasonable for the government to come more fully prepared to answer those questions, but what it reveals are the contradictions I was speaking to in my speeches this afternoon and this morning. The government has no interest in shining light on its own operations and activities. The Conservatives are happy to stand behind the curtain, to conduct the operation of government behind the curtain and to grasp as much of Canadians' private information as possible.

In light of these contradictions, it is no surprise that the Conservatives do not come to reveal that information to us in this House, and through us, to all Canadians.

● (1730)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague.

It has been fascinating listening to the Conservatives, because in their upside-down world, they are opening the door to widespread snooping and spying on Canadians but are somehow protecting their privacy.

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I ask my hon. colleague about what we are reading in the *National Post* about the government's supposed fix, Bill C-13. We have been hearing from their tough-on-crime guys. It is all about the police investigation and the importance of investigation. We need to be able to investigate and go after the crooks, the perverts, and the crazy terrorists. However, under Bill C-13, the Conservatives' fix would take out the provision, the caveat, that enforcement agencies would actually have to be doing an investigation. It would no longer be for investigating crime but for anything that would help in "administering any law in Canada".

It is the ultimate free ride for fishing expeditions, not just for law enforcement but for corporations. Under Bill S-4, corporations could demand information on our Internet use, as could public officers, which include, if we look up the definition, Reeves, mayors, and even people who work for the Department of Fisheries, fisheries officers.

I would like to ask my hon. colleague why he thinks the government is so intent on changing the law to allow widespread snooping. Is it possibly because this is what the standard practice has become under the Conservatives' watch?

Mr. Matthew Kellway: Mr. Speaker, this goes to what I was talking about, which is that often some of us put forward a narrative that this is a government that needs to modernize laws, because things have changed. We are living in different times. However, when one looks more closely at the evidence, one finds that this is a government with its own appetite and impulse to dig up more and more of the private information of Canadians.

We are asking the Conservatives today to in effect put constraints on themselves and to try to curb their own appetite. That is why I suggested that perhaps, as much as I support the motion today, there is a certain naïveté to it. As evidenced by my friend's question and the absurdity of the kinds of activities it would allow government officials to carry on without warrants, this is a government that seems bound and determined to dig deeper and deeper into Canadians' private information, without inhibitions.

Mr. Colin Carrie (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, our government is committed to promoting the interests of Canadian consumers and the protection of their private information.

In an increasingly digital world, it is important that we have strong privacy protections in place to ensure organizations are treating the private information of Canadians appropriately. Many of these protections are already found in the Personal Information Protection and Electronic Documents Act, commonly known as PIPEDA.

However, a lot has changed in the more than 13 years since PIPEDA came into effect. Our government is taking important steps to ensure organizations are accountable for how they handle the personal information of their clients and customers in today's digital world.

That is why on April 8, we tabled Bill S-4, the digital privacy act. The bill introduces new measures to update our private sector privacy legislation, which sets out specific rules that businesses and organizations must follow whenever Canadians' personal information is lost or stolen.

Recently, we have seen a disturbing example of this problem south of the border with Target Corporation. Just before Christmas last year, Target learned that malicious software had been installed on the company's computer systems, allowing the personal information of some 70 million customers to be stolen, including 40 million payment card records.

It is because of situations like these that we must continue to ensure Canadians' personal information is safe. Data breaches can happen in many different ways and to any type of organization, large or small. Data breaches can result from improper disposal, for example, of paper documents sent for recycling instead of shredding or computers resold without scrubbing hard drives clean, or it can be stolen through sophisticated cyberattacks like those experienced by Target.

Unfortunately, this is a growing problem. Last year saw an all-time high for the number of data records lost or stolen worldwide. The Verizon data breach investigations report estimated that in 2012 between 575 million and 822 million records were compromised in data breaches.

We know that cybercrime is a growing problem in Canada. Last October a study reported that cybercrime cost Canadians some \$3 billion over 12 months, up from \$1.4 billion the previous year.

That is why our government has already put a number of significant measures in place to combat cybercrime and protect our digital infrastructure, such as Canada's cyber security strategy. In addition to this, Canada's anti-spam law will begin to come into force July 1, later this year. This law will help Canadians deal with unwanted commercial emails, and will also protect Canadians from cyberthreats, like malware and fraudulent websites that seek to steal their personal information.

These measures are significant, but more is needed. We must ensure organizations have strong incentives in place to implement strong data security. Currently in PIPEDA there is no obligation for businesses and organizations to inform customers and clients when their personal information has been lost or stolen. This means if a company loses people's credit card information, that company is not obligated to tell them. With the digital privacy act, our government is proposing to correct this.

Stolen data can be used to create false identities that are used in criminal activities. They can be used to hack onto online banking services. In the wrong hands, lost or stolen health information, employee records, even criminal records can create countless problems to those who have had their personal information compromised.

I also want to state, Mr. Speaker, that I will be splitting my time with the member for Desnethé—Missinippi—Churchill River.

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We believe it is up to all organizations to put in place the safeguards to protect the personal data they have collected from their clients and customers. This is a responsibility that most take very seriously. However, with the changes we have proposed, if a company has its computer systems hacked and believes personal information has been stolen or if that information has been lost inadvertently, the company will need to take a number of steps.

If the company determines that the breach poses a risk or harm to individuals, it will need to notify the Canadians affected and make a report to the Privacy Commissioner of Canada. Organizations will also be required to document and keep a record of the event, including the result of its risk assessment. This would be required for every breach, even if the company did not think the breach was harmful. The organization would have to provide these records to the commissioner upon request, providing oversight and holding organizations accountable.

● (1735)

Let me provide an example. Say that an organization determines that a laptop containing customer personal information has been lost. It will be required to make a record of this loss. If the breach involves unencrypted sensitive personal information such as credit card numbers, other financial or health information, for example, it would pose a real risk and potential significant harm to those involved. As a result, the organization would be required by law to notify the customers who were impacted.

The company would be not only required to tell customers when it lost information, it would also be required to report the loss to the Privacy Commissioner. The commissioner may then request a copy of the company's records to see if there is a history of similar losses that would be a cause for concern. The Privacy Commissioner would then have the option of opening an investigation into the matter.

It should be clear to all members in the House that implementing a requirement for mandatory data breach notification is a significant improvement to our private sector privacy laws. Our government believes there needs to be serious consequences for any organization that deliberately breaks the rules and intentionally attempts to cover up data breach. The changes that our government has proposed will also make covering up a data breach an offence. In cases of deliberate wrongdoing, an organization could face fines of up to \$100,000. To be clear, it will be a separate offence for every person and organization that is deliberately not notified of a potential harmful data breach and each offence will be subject to a maximum \$100,000 fine.

The digital privacy act would address the concerns posed by data breaches and has received good reception so far. In fact, the Privacy Commissioner commented that she welcomed the proposals in this bill. She said that it contained very positive developments for the privacy rights of Canadians. Even the member opposite for Terrebonne—Blainville said, “We have been pushing for these measures and I'm happy to see them introduced. Overall, these are good...steps”.

Our government has taken a balanced approach to the responsibilities placed on businesses and organizations, while protecting Canadian consumers by giving individuals the information they need to protect themselves when their information has been lost or stolen.

The digital privacy act demonstrates our government's commitment to providing Canadians with the confidence that their privacy and personal information are protected.

● (1740)

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I question how Conservative members can say that our private information is protected, because they do not know either. I asked the minister at committee the other day whether CSIS, the RCMP and Canada Border Services Agency were involved in the 1.9 million requests for information. He said yes. We do not know if they all had warrants. We are the only country in the Five Eyes, so-called, that does not have parliamentary oversight.

The Communications Security Establishment Commissioner, in his findings and recommendations, stated:

However, a small number of records suggested the possibility that some activities may have been directed at Canadians, contrary to law....

After in-depth and lengthy review, I was unable to reach a definitive conclusion about compliance or non-compliance with the law.

It is this simple. I do not know why members on the government side are accepting the word of the bureaucracy. It does not know either. Why not have the review for which this motion asks? That just makes sense in the interests of Canadians.

Mr. Colin Carrie: Mr. Speaker, what the member brings forward is ridiculous. What the NDP would like to propose is something that would put Canada at a disadvantage compared to other countries around the world.

The member should know that the Personal Information Protection and Electronic Documents Act was passed by the previous Liberal government in 1999 and in place since 2001. The NDP even voted for voluntary disclosure when it supported the act.

Let me be clear. An individual's private information is protected under the charter and cannot be released without a warrant. The telecommunications companies have already said that they only release 411 style information. In other words, like in the old days when we were younger, there was a reverse lookup for a telephone number. This is the type of information that is being disclosed, and we fully expect these companies to comply with the law and play by the rules when handling the private information of Canadians.

[*Translation*]

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, I would like to pick up on that and speak to the comment made by my Conservative colleague. I would like to talk some more about what my colleague from Terrebonne—Blainville raised earlier today, and that is the comparison that is being made with 411 information or using the yellow pages to obtain someone's address or telephone number.

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Comparing today's digital data, all of that information, to an address or telephone number is way off base. It demonstrates a complete lack of understanding of this issue. As my colleague from Terrebonne—Blainville said, a person's movements can be followed when they access a Wi-Fi network.

I would like to know if my colleague understands the difference between those two realities and if the government will finally come to understand that, in 2014, we cannot equate that information with something as simple as a telephone number. Technology has evolved considerably.

• (1745)

[English]

Mr. Colin Carrie: Mr. Speaker, the government absolutely does understand. The problem in the House is that the NDP does not understand.

When we talk about hooking into WiFi, there is always a little box that we check off and we can choose to go into that WiFi site or not. It is the same with location services. For example, many people today will look at Google Maps and MapQuest, which will ask for location services on their device to let the company know where they are so they can go from point A to point B without having to type it out.

This is something with which individual Canadians have a choice. That is why the digital privacy act is important because it would strengthen informed consent. I think everybody would be in support of this. We have young kids out there who sometimes do not understand the implications of checking off these little boxes. It is very important that the NDP understand that there is a certain way to look at these sites because people can choose whether to check that box or not. It is very important and behooves all of us to read some of those agreements that we check yes or no to.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, I am happy for the opportunity to rise today to oppose the motion put forward by the NDP member for Terrebonne—Blainville.

Public awareness of electronic surveillance practices has grown exponentially over the past few years. It is not all surprising that public concern about the balance between privacy and national security in the Internet age has also grown. It is a public policy challenge that all G7 countries must face. Our government certainly understands the concerns that have been raised by the media, by the official opposition, and indeed by the Privacy Commissioner.

We certainly welcome the work of the Privacy Commissioner in this regard, but it is vital that the debate on this issue be an informed one based on facts and grounded in a better understanding of how and when electronic surveillance practices and requests for basic subscriber information are employed. Due to the myths, misinformation, and fallacies put forward by the opposition, this is something that has been sorely lacking in this debate. I view this motion as an opportunity to set the record straight in these areas and to reassure all Canadians that our government always strikes an appropriate balance between giving law enforcement officials the tools they need to do their job and protecting the privacy of law-abiding Canadians.

Everyone has the right to be secure against unreasonable search or seizure. Robust safeguards exist to ensure that this basic right is followed. Indeed, with respect to domestic laws and policies governing how electronic surveillance and requests for basic subscriber information are used, Canada has a proud tradition of getting the balance between privacy and security right. Nevertheless, the recent debate has highlighted areas of concern among the Canadian public about how government is effectively balancing their security and their safety and whether law enforcement and intelligence agencies are acting responsibly as they carry out their duties.

It is worthwhile for us to step back just a minute and first make a very important distinction between law enforcement and intelligence agencies' requests to telecommunications providers for basic subscriber information and obtaining other types of data that can be used more appropriately considered electronic surveillance, such as intercepted communications or stored emails. I want to assure all members of the House and Canadians alike that these two things should be viewed in a completely different light for they serve very different, yet vital purposes for law enforcement and intelligence agencies.

First, it is worth noting that the vast majority of information that law enforcement agencies seek from telecommunications providers is for basic subscriber information, for example, someone's name, address, phone number, and IP address. To be clear, basic subscriber information is not about tracking people's telephone calls. Absolutely no content of the communication is revealed. Basic subscriber information is also not a request for all telecommunications data, for example, data that would indicate who was contacted, the duration of the communication, and other related information such as the where, when, and how of the communication.

A couple of important points must be made about this. The first is that this information is oftentimes obtained at the beginning of an investigation into serious offences and is crucial to clearing people from wrongdoing or helping police determine viable leads. An example, for an online exploitation case, police may only have the Internet protocol or IP address attached to a picture found on the Internet and would need to determine who the IP address belongs to in order to begin their investigation.

In short, this information is critical to help police establish the identity of the person and it can be sought without a warrant. This is true for other countries as well. In fact, not one G7 country in the world requires a warrant to obtain this information. Imagine the enormous burden this would place on the justice system for the limited, yet often vital information that can be obtained. Vital because warrants generally require police to know the identity of the person, exactly what basic subscriber information is supposed to reveal.

• (1750)

It is only after receiving this initial information that police may seek court authorization to obtain more sensitive information, such as private communications, or to rule out the person from further investigation.

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As a former RCMP member with over 18 years' experience, I can say that this information plays a key role in modern investigations of these types of cases. My constituents understand this and are supportive of tools that help us catch criminals. In fact, a poll conducted for the Office of the Privacy Commissioner in January 2013 found that three-quarters of Canadians are very comfortable or somewhat comfortable with the idea of law enforcement agencies requiring telecommunications service providers to disclose personal information to gather evidence in the investigation of a serious crime.

Moving on to the ability to intercept communications, which is what we are really referring to when we talk about electronic surveillance, this ability is a critical tool for law enforcement and intelligence agencies to keep Canadians safe, whether it be from credible national security threats or major crimes. Indeed, these agencies cannot intercept communications or obtain transmission data without being authorized to do so by law. These investigative tools can only be used with a warrant, court authorization, or other lawful authority to target specific individuals in the course of a specific investigation. Furthermore, the grounds for such targeting and the rationale for which individuals are to be targeted are subject to vigorous judicial oversight. Such safeguards, enshrined in our laws, are only some of the safeguards of which Canadians should never lose sight.

The judicial authorization is required to obtain communications because our laws say that this type of information has a high expectation of privacy. For example, a judge's authorization must be obtained for real time interception of communications. The requirement for a judge's authorization also applies to access to stored data, such as texts or email stored on a server. This is all set out in the Criminal Code and other statutes.

I want there to be no doubt, Canadians' communications are not regularly accessed without a warrant. It is simply against the law, both for regular citizens and for our law enforcement and intelligence agencies. Also, additional safeguards do exist. Those whose private communications were intercepted in the course of a law enforcement investigation must be notified that interception was done. Further, full disclosure of information that law enforcement gathered is also required for cases that proceed to trial.

Now that I have provided some accurate context and information about the safeguards that are in place, I would like to conclude by acknowledging the calls we have heard about public transparency and reporting. Indeed, we are already disclosing some figures through Public Safety Canada's annual report on the use of electronic surveillance.

Our Conservative government will always work to give police the tools they need to do their job and ensure that our streets and communities are kept safe. That is why we have passed over 30 measures to keep criminals behind bars where they belong. We will not apologize for that and we will take no lessons on this matter from the opposition.

• (1755)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague and I am sort of surprised at his reluctance, given all his talk about oversight, to

support this motion, which is about oversight. The person who does oversight for Canadians is the Privacy Commissioner, who has raised the alarm bells.

I would like to also suggest to my hon. colleague that the proposals the government is bringing forward to legalize what has been happening with the 1.2 million requests would actually vastly expand the ability of all manner of people to conduct any manner of fishing expeditions.

I would like to refer to an article in the *National Post* today, talking about Bill C-13. It says it will take out the caveat of the necessity to actually be investigating a crime when you call up a telecom and want information about an average Canadian. That would be removed. I find it staggering that we would not need to have a reason to investigate someone, that someone would just be able to investigate it and it would be legal.

I would like to ask my hon. colleague why he thinks it is okay for the government to vastly expand who can make those calls. It would not just be the RCMP or CSIS now. It would be all manner of public officers. It would include tax agents, sheriffs, Reeves, justices of the peace, people who work in the fisheries department, and mayors. I would like to ask my hon. colleague, if he is in a dispute with the mayor in his jurisdiction does he think that the mayor should have the legal right that would be enshrined in Bill C-13? Perhaps they do not read their own legislation. I know they do what they are told over there. A mayor would have the right to call a telecom and ask for the IP information on an average Canadian citizen? Come on.

Mr. Rob Clarke: Mr. Speaker, I am not going to listen to the opposition member lecture me about irrelevancy. Coming from a law enforcement background, for a mayor that is irrelevant. From someone who has never had to do an investigation on Criminal Code offences or investigate serious Criminal Code offences such as Internet luring, it is most hypocritical. My colleague does not agree with that for Internet luring either; watching the sex offenders out there trying to attack the most vulnerable, our youth.

I want to give some quick facts here.

From the Privacy Commissioner of Canada, Chantal Bernier: "...I welcome proposals in this bill. This bill contains "very positive developments for the privacy rights of Canadians... I am pleased that the government has...addressed issues such as breach notifications..".

This has to happen. This is about protecting Canadians across the country, from coast to coast. What this also does is to assist police officers such as myself, when we had to do investigations for Internet luring, in being able to identify those offenders and justifying ourselves in the court of law on why we obtained the warrant in the first place. This is about protecting Canadians.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am going to attempt to get an answer from the member, such as I have previously tried with other members.

Business of Supply

We know that in one year there were 1.2 million inquiries where information was released. We found out through one of the member's colleagues that 18,700 inquiries were released to Canada border control. I wonder if the member could provide us with any sense of the numbers in which the RCMP and CSIS requested and were provided information, and if there is any other organization that requested and was provided information.

Does the member not feel that we should be entitled to that sort of information?

Mr. Rob Clarke: Mr. Speaker, I think that maybe the member from across the floor should make an access to information request, which is obtainable. With five dollars to make that request, he can get that information.

First of all, as an RCMP member, I also had to make requests for information, to the local SaskTel, asking for information on an individual to assist in an investigation. I did that hundreds of times throughout my career, and it was never a problem. Once I obtained the information on the caller who had that phone number, I then proceeded to do a search warrant, which sometimes took hours. It can even take days or weeks to formulate a proper search warrant.

This is about trying to protect Canadians, and also, as a police officer, having to justify ourselves in a court of law that we have obtained these in a lawful manner.

• (1800)

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, to set the record straight, I want to make sure that all Canadians and members in this House realize that there are oversight bodies that look into the work that our investigative agencies do across this country. They make sure they are working within the parameters of the law. To date, there have been no concerns and no issues. They have confirmed that everything is as it should be.

I have a question for my hon. colleague.

The Minister of State for Western Economic Diversification asked an NDP member earlier today whether they were aware of any western country where a warrant was required to obtain this very basic subscriber information.

I am not aware of any, and I just want to know if my colleague is aware or whether he believes that there are not any.

Mr. Rob Clarke: Mr. Speaker, I am not aware of any myself.

One of the questions I have is for the member for Terrebonne—Blainville.

She mentioned that the NDP had been pushing for these measures, that she was happy to see them introduced and that overall these are good steps.

This is about the legislation that this government has introduced. Why would that member want to support our legislation in the first place, when we hear the NDP opposition across the floor saying no? It is either yes or no. What are they trying to prove?

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I am pleased to conclude the debate on the opposition motion.

I will read the motion, because after hearing such garbage today, I was beginning to think that I was not talking about the right one. This is what the motion, moved by the hon. member for Terrebonne—Blainville, is asking of the House:

That, in the opinion of the House, the government should follow the advice of the Privacy Commissioner and make public the number of warrantless disclosures made by telecommunications companies at the request of federal departments and agencies; and immediately close the loophole that has allowed the indiscriminate disclosure of the personal information of law-abiding Canadians without a warrant.

I cannot believe that today, May 5, 2014, the Conservatives are going to vote against this motion. It is absolutely incredible. We heard all sorts of drama from the Conservatives about extremely important security issues. They shifted the debate from the opposition motion, which simply calls on the government to grant the Privacy Commissioner's request and make certain information public. It seems quite reasonable to me.

Today is the best possible day to be in the House. This morning, we debated Bill C-567, which was introduced by my colleague from Winnipeg Centre and is all about access to information. This motion is completely justified in light of the context, but they are saying all kinds of things.

I would like to comment on a question that my colleague from Timmins—James Bay asked the last Conservative member who spoke. That member laughed in his face even though the question was completely relevant. It was about peace officers, not as the local paper defines them, but as the Criminal Code defines them.

I would like to give my colleagues opposite a little lesson about the Criminal Code. It is important to define the notion of “peace officer” accurately, because Bill C-13, the government's supposed cyberbullying bill, refers to that notion. That bill is about much more than cyberbullying and the distribution of intimate images.

According to section 2 of the Criminal Code, a peace officer includes:

- (a) a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace,
- (b) a member of the Correctional Service of Canada who is designated as a peace officer pursuant to Part I of the Corrections and Conditional Release Act, and a warden, deputy warden, instructor, keeper, jailer, guard and any other officer or permanent employee of a prison other than a penitentiary as defined in Part I of the Corrections and Conditional Release Act,
- (c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process,
 - (c.1) a designated officer as defined in section 2 of the Integrated Cross-border Law Enforcement Operations Act, when
 - (i) participating in an integrated cross-border operation, as defined in section 2 of that Act, or
 - (ii) engaging in an activity incidental to such an operation, including travel for the purpose of participating in the operation and appearances in court arising from the operation,
- (d) an officer within the meaning of the Customs Act [or] the Excise Act...or a person having the powers of such an officer...

I could keep reading this definition until 6:15 p.m. It is not so far-fetched for my colleague from Timmins—James Bay to suggest that Mayor Ford could request certain information.

Business of Supply

What is more, the NDP has been heavily criticized today for some of its requests. However, in *La Presse* this morning, there was an article by Joël-Denis Bellavance on the information we are looking for with the official opposition motion moved by my colleague from Terrebonne—Blainville. Mr. Bellavance reported that the Privy Council Office also made a request of all its departments. The PCO wanted to know who these people were who made 1.2 million requests for information about Canadians. There are 1.2 million Canadians who are allegedly affected by these requests.

● (1805)

All day, the Conservatives have been telling us that this is terrible, that what we are asking for is scary and that the NDP does not know what it is talking about.

[*English*]

I even heard one of the ministers of state, a junior minister over there, say the times have changed.

[*Translation*]

I think we all know that. Information circulates quickly, I agree. Regardless of the fact that times have changed, there are still laws that apply in this country.

We all know that this Conservative government likes to intrude on Canadian taxpayers' privacy and could not care less about almost every law around. When this government gets caught, it takes a holier than thou stance or it suddenly takes a few strategic steps backward and comes back with what I like to call the Trojan Horse tactic. In other words, it disguises its approach in another way.

Everyone in the House remembers Bill C-30, introduced by my favourite minister, the former minister of public safety. I was going to say something unkind, but I will be careful. Thank God the public woke up and made a concerted effort to ensure that the government backed down. This goes to show that ridicule never killed anyone. However, sometimes it kills political careers, even though politicians will often end up becoming a judge somewhere. Everyone kept telling the former public safety minister what he was in the process of doing. They ridiculed his bill. Sometimes that is what it takes with this government.

Their concerns were heard. The Conservatives withdrew the bill and suddenly we had Bill S-4 and Bill C-13, which deals with cyberbullying. Who in the House would not want to protect victims? Who would not want to say at some point that we passed legislation after a number of young people committed suicide as a result of bullying? That is rather disgusting, although there are other unparliamentary words that could be used. It is problematic to rise in the House and say that, on the contrary, we are in favour of cyberbullying. However, once again, the Conservatives introduced five or six pages of text that were more or less accurate and then combined them with tons of provisions that amend all sorts of legislation.

Fortunately, the Minister of Justice told me that he would give the Standing Committee on Justice and Human Rights the time needed to examine those provisions. Perhaps we, the members of that committee, are not the best people to examine those provisions. Fortunately, we will be hearing from many experts.

I still believe that the motion that I moved at the beginning of the debate on Bill C-13 made complete sense. I proposed dividing the bill in two so that that we could do what we do best: examine the provisions of the Criminal Code and make sure that the new provisions regarding the distribution of intimate images fall within the parameters and meet the test of the Criminal Code.

Instead, we are going to be spending a lot of our time looking at the aspects of the bill dealing with privacy and how certain telecommunications providers will be able to disclose information without a warrant, or with a warrant but with a lighter burden of proof, and so on.

Unfortunately, since the beginning, this government has shown us that it has no credibility. Every week, there is a new drama featuring one of the people sitting in the front benches. At the end of last week—and it has continued into this week—it was the Prime Minister and his serious insinuations. Sometimes, not saying enough is the same as saying too much. He attacked the Chief Justice of the Supreme Court of Canada.

● (1810)

Members on the Conservative benches are wondering why we do not trust them. Why are we suspicious when we get bills like Bill S-4 or Bill C-13? We are wondering what is behind those bills.

People have been debating this motion all day in the House. I repeat that it does not get any simpler than this motion, which calls on the government to follow the advice of the Privacy Commissioner. Who does not want to follow that advice? Who is against making public the number of disclosures, when even the Prime Minister's Office is quietly checking into this matter? The Conservatives are simply afraid of doing things. They want public information on our constituents, on Canadian taxpayers, but they do not want anyone other than themselves to have access to that information.

That is why the government does so much behind closed doors. The representatives of the people, here in the House, certainly have a right to know. We are getting questions as well. I hear from people, and I am sure that my colleagues in the House, even on the Conservative side, are hearing from people. I am shocked to see that many of these people, from the Reform Party of Canada and the Canadian Alliance, who made a point of calling themselves the voice of the people, are now the biggest puppets, sitting in their seats, terrified to rise and say that this makes absolutely no sense.

At some point we need to wake up and go back to our ridings to talk to our constituents, who are asking what is going on with their information, who has access to this information, when and why. Are there 1.2 million criminals somewhere in Canada? Is it because we have relaxed our rules so much that everyone—ISPs, telecommunications companies and others—feels justified in passing on information? The companies know that they will go unpunished if they freely share information on anything. That is dangerous.

Business of Supply

Some people here in the House say that times have changed. That is true. I can do research. In fact, I do not claim to know all the sections of the Criminal Code, and I was able to find the section on the concept of peace officer right away, in two seconds. It was actually quicker than that as I think it took me one-tenth of a second to find the definition in the Criminal Code. Sometimes I tell young people or future lawyers that they are lucky because, in my day—I do not like to say this because it dates me, but it is a fact—when I did my research, I had to go to the law faculty library and open maybe 18 books before formulating an idea. Now, we just click on a button.

However, just because information travels at astronomical speeds, it does not mean that the privacy guarantees and protections granted to all Canadians under the Charter of Rights and Freedoms must be trampled by a government that does not care about protecting its citizens.

• (1815)

The Acting Speaker (Mr. Bruce Stanton): It being 6:15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

Mrs. Sadia Groguhé: Mr. Speaker, the NDP would like the division to be deferred until tomorrow, Tuesday, March 6, 2014, at the expiry of the time provided for government orders.

The Acting Speaker (Mr. Bruce Stanton): Accordingly the recorded division stands deferred until tomorrow at the end of government orders.

[English]

I see the Chief Government Whip is rising on a point of order.

Hon. John Duncan: Mr. Speaker, I would request that we see the clock at 6:30 p.m.

The Acting Speaker (Mr. Bruce Stanton): Is that agreed?

Some hon. members: Agreed.

FIRST NATIONS CONTROL OF FIRST NATIONS EDUCATION ACT

The House resumed from May 2 consideration of the motion that Bill C-33, An Act to establish a framework to enable First Nations control of elementary and secondary education and to provide for related funding and to make related amendments to the Indian Act and consequential amendments to other Acts, be read the second time and referred to a committee.

The Acting Speaker (Mr. Bruce Stanton): It being 6:30 p.m., the House will now proceed to the deferred recorded division on the motion at second reading stage of Bill C-33.

Call in the members.

• (1840)

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

(Division No. 110)

YEAS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Ashfield	Aspin
Bateman	Benoit
Bergen	Bernier
Bezan	Blaney
Block	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Butt	Calandra
Calkins	Cannan
Carmichael	Carrie
Chisu	Chong
Clarke	Clement
Crockatt	Daniel
Davidson	Dechert
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Falk	Fantino
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Fletcher	Galipeau
Gallant	Gill
Glover	Goguen
Goldring	Goodyear
Gosal	Gourde
Grewal	Harper
Harris (Cariboo—Prince George)	Hawn
Hayes	Hiebert
Hillyer	Hoback
Holder	James
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lauson	Lebel
Leef	Lemieux
Leung	Lizon
Lobb	Lunney
MacKay (Central Nova)	MacKenzie
Maguire	Mayes
McColeman	McLeod
Menegakis	Merrifield
Moore (Fundy Royal)	Nicholson
Norlock	Obhrai
O'Connor	Oliver
O'Neill Gordon	Opitz
O'Toole	Payne
Poilievre	Preston

Adjournment Proceedings

PAIRED

Nil

The Deputy Speaker: I declare the motion carried.[*Translation*]

Accordingly, the bill stands referred to the Standing Committee on Aboriginal Affairs and Northern Development.

(Bill read the second time and referred to a committee)

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1845)

[*English*]

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, in beginning the adjournment proceedings this evening, I turn my attention to a question that I asked numerous times. Tonight's adjournment proceedings deal with the time I asked the question of the Prime Minister, which is found in the *Hansard* for April 2. I had asked the Minister of the Environment as well, and part of tonight's adjournment proceedings will bring this issue up to date.

To give you maybe a spoiler alert, Mr. Speaker, you will find that I was able to get a response through the efforts of a journalist, having failed to get a better answer here in the House. I am hoping that we pick up in tonight's adjournment proceedings discussion about Canada's climate target with the advantage of the additional information brought into the picture by Aaron Wherry of *Maclean's* magazine.

Just to recap, on April 2, my point to the Prime Minister was that, in light of the IPCC's most recent report on the severity of the climate crisis and the clock ticking very rapidly toward a point where Canada's actions would cease to make much difference, we still have time to act, and that is what the IPCC is urging us to do, as are other nations around the world.

We now have Environment Canada's estimates of where this country will be in terms of greenhouse emissions by the year 2020 when the Prime Minister's Copenhagen target is due and, again, to underline, the Prime Minister adopted that target. Environment Canada says that by 2020 we will be nowhere near it, not even close.

I asked the Prime Minister if, given the information that we were headed toward a 100% failure rate on current commitments, the government was still committed to reaching the Copenhagen target of 17% below 2005 levels by 2020. The Prime Minister's answer was on the same topic, but it did not answer the question. The Prime Minister, at the time, stated:

...as you know, the government remains committed to reducing greenhouse gas emissions, while doing so in a way that obviously respects Canadians' jobs and protects our economy.

Rajotte	Reid
Rempel	Richards
Schellenberger	Seeback
Shea	Shipley
Shory	Smith
Sopuck	Sorenson
Stanton	Strahl
Sweet	Toet
Trost	Trottier
Truppe	Uppal
Valcourt	Van Kesteren
Van Loan	Vellacott
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilks	Williamson
Wong	Woodworth
Yelich	Young (Oakville)
Young (Vancouver South)	Zimmer — 144

NAYS

Members

Allen (Welland)	Andrews
Angus	Atamanenko
Aubin	Ayala
Bélangier	Bennett
Benskin	Blanchette
Blanchette-Lamothe	Boivin
Borg	Boulerice
Brahmi	Brousseau
Byrne	Caron
Casey	Cash
Chicoine	Chisholm
Choquette	Christopherson
Cleary	Côté
Cotler	Crowder
Cullen	Davies (Vancouver Kingsway)
Day	Dewar
Dion	Dionne Labelle
Donnelly	Doré Lefebvre
Dubé	Dubourg
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseau	Easter
Eyking	Fortin
Garneau	Garrison
Genest	Genest-Jourdain
Giguère	Godin
Goodale	Gravelle
Groguhé	Harris (St. John's East)
Hsu	Hughes
Hyer	Jacob
Jones	Julian
Kellway	Lamoureux
Larose	Laverdière
LeBlanc (Beauséjour)	LeBlanc (LaSalle—Émard)
Leslie	Liu
MacAulay	Mai
Marston	Martin
Masse	Mathyssen
May	McCallum
McQuinty	McKay (Scarborough—Guildwood)
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Morin (Saint-Hyacinthe—Bagot)	Mourani
Mulcair	Murray
Nantel	Nash
Nicholls	Nunez-Melo
Pacetti	Papillon
Péclét	Pilon
Plamondon	Quach
Rafferty	Rankin
Rathgeber	Ravignat
Raynauld	Regan
Rousseau	Saganash
Sandhu	Scarpaleggia
Scott	Sellah
Sgro	Sims (Newton—North Delta)
St-Denis	Stewart
Sullivan	Thibeault
Toone	Tremblay
Turmel	Valeriote — 118

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However, there was no reference to the Copenhagen target or whether the government or the Prime Minister regarded themselves as still committed. In questions to the Minister of the Environment, I received a similar response, not expressing any firm commitment to actually reach the target that was adopted in 2009 by the Prime Minister.

Subsequently, it was the work of a reporter, Aaron Wherry with *Maclean's* magazine, who, curious about my various attempts to get an answer, pursued the matter himself. He contacted the Minister of the Environment's office to ask if the government was still committed. Initially, an evasive answer was received, but, surprisingly, on his second effort, came this response from the office of the Minister of the Environment, "Absolutely, we are committed". Again, to verify it a few days later, Mr. Wherry contacted the office of the Minister of the Environment with this question, "Does the government intend to fulfill its commitment?", again referring to Copenhagen. The response was, "Yes".

Now I would like to pursue with the hon. parliamentary secretary what steps are currently planned, when they will be rolled out, and when we will see a plan that would allow the Prime Minister and his administration to keep the commitment that they have now confirmed publicly to *Maclean's* magazine that they regard themselves as committed to. When will we see a plan to get to 17% below 2005 levels by 2020?

• (1850)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, our government is committed to addressing the challenge of climate change and is following through on that commitment with concrete action, both domestically and internationally.

Domestically, our government is implementing a sector-by-sector regulatory approach and has started by addressing emissions in two of the largest-emitting sectors of the Canadian economy, the transportation sector and the electricity sector.

In collaboration with the United States, our government has developed emissions standards for passenger automobiles and light-duty trucks as well as heavy-duty vehicles. With these regulations, it is projected that 2025 light-duty vehicles will produce 50% less greenhouse gas emissions than 2008 vehicles.

With our government's coal-fired electricity regulations, Canada became the first major coal user to ban the construction of traditional coal-fired electricity generating units. In the first 21 years, the regulations are expected to result in a cumulative reduction of about 214 megatonnes of greenhouse gas emissions, equivalent to removing roughly 2.6 million personal vehicles per year from the road over this period.

As well, our government will build on these actions by working with the provinces to reduce emissions from the oil and gas sectors while ensuring that Canadian companies remain competitive.

Our government has also made significant investments to transition Canada to a clean energy economy and advance this country's climate change objectives.

Since 2006, our government has invested over \$10 billion in green infrastructure, energy efficiency, the development of clean energy technologies, and the production of cleaner energy and fuels.

Our approach is getting results.

It is estimated that as a result of the combined actions of provincial, territorial, and federal governments, consumers, and businesses, greenhouse gas emissions in 2020 will be 734 megatonnes. This is roughly 130 megatonnes lower than what we would have had under the Liberals. I make this distinction because in contrast to the Liberal climate change policy of international rhetoric followed by domestic inaction, our government's policies are achieving real results.

Internationally, Canada is playing a constructive role in the United Nations negotiations toward a fair and effective new post-2020 climate change agreement.

At the latest UN climate change conference in Warsaw, Canada demonstrated leadership in helping to achieve a breakthrough in an important initiative to help developing countries reduce deforestation and forest degradation, which account for nearly 15% of global greenhouse gas emissions.

Canada is also taking a leadership role on a number of collaborative international initiatives outside of the United Nations to combat climate change.

For instance, our government is taking meaningful actions to address short-lived climate change pollutants such as black carbon and methane through active engagement on the Climate and Clean Air Coalition, of which Canada is a founding member, and through its current chairmanship of the Arctic Council. Owing to their short lifespan, reducing these types of pollutants can achieve more immediate climate benefits, particularly in the north.

Ms. Elizabeth May: Mr. Speaker, I do not know whether to laugh or cry. I thought we had made some progress with the responses that were given to the reporter for *Maclean's* magazine and that we would be agreeing upon the fact that the Conservative government is committed to the Copenhagen targets.

The hon. parliamentary secretary is a lovely person and I do not take any of this personally, but unfortunately the notes given to him are all rhetoric about doing something about greenhouse gases and doing nothing toward reaching the Copenhagen target.

The parliamentary secretary has just confirmed that by 2020, Canada's emissions will be at 734 megatonnes. That is exactly three megatonnes below where they were in 2005. His own government's commitment, the Prime Minister's commitment, was to reduce them by 130 megatonnes below 737 megatonnes. In other words, three megatonnes is an abysmal failure and a total abdication of any commitment to meet the target.

We need a plan to reach the target, not a lot of rhetoric blaming the Liberals.

Adjournment Proceedings

Mr. Colin Carrie: Mr. Speaker, the evidence speaks for itself. Our government's actions have resulted in a constant decline in emissions intensity and emissions per capita. Both of these trends clearly demonstrate that our sector-by-sector approach is achieving real results in terms of reducing greenhouse gases while fostering economic growth.

We can compare that to the Liberal approach. The Liberal approach toward reducing greenhouse gases was to sign the Kyoto agreement and then name a dog Kyoto. That is about it.

Our approach is getting results, and we are committed to that.

• (1855)

CANADA-U.S. RELATIONS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rose in this chamber to ask a question about the Windsor–Detroit international crossing that is being built, in particular the \$250 million that is required for the U.S. plaza.

This crossing is very important, as this area contributes to about 35% of all American trade that goes into the United States on a daily basis. We have old, antiquated structures. Hence, we are trying to build a brand new project, which the NDP supports entirely. However, we are calling for greater accountability.

The problem is that the Canadian government has had to come to the table significantly, and all of us have been supporting that. In fact, in a 2010 budget, there was a \$550-million commitment by the government to pay for the border crossing so the U.S. did not have to come up with the funds.

The problem is that the U.S. has not committed a single nickel to this project, and right now it has failed to provide \$250 million in its most recent budget. Canada would have to come up with that money, based upon the agreement that we signed. The agreement on the border crossing has a clause in it. Section 4 states, in part:

Except to the extent that the US Federal Agencies agree to be responsible for the design, construction, finance and maintenance of the US Federal Plaza, the Crossing Authority shall be responsible for the design, construction, finance and maintenance of the US Federal Plaza, subject to agreement with the appropriate US Federal Agencies, in compliance with Applicable Laws, pursuant to US Federal Plaza Public–Private Agreement(s) with Concessionaire(s) procured by the Crossing Authority.

We are playing poker with our cards facing the other way. We have put ourselves in a situation where at the end of the day we have to pay for that or the whole project could collapse. We have spent billions of dollars with regard to a roadway to the project, and that is a problem.

The government claimed that it has never been done before, but the Conservatives are wrong again on this. They are wrong on their file. We did some research. We found that with regard to the customs booths on the U.S. side of the Blue Water Bridge, according to an official from Blue Water Bridge Canada, the \$1.7 million that was awarded by the authority to its American counterpart for the construction of customs booths was a grant without any terms of repayment. To put that in perspective, we put \$1.7 million into the U.S. for customs booths when at the same time the Blue Water Bridge annually only brings in \$1.4 million in profit. It is going to be a long time for us to recover that.

In conclusion, we have asked basic questions in a letter to the minister. They include the following: What are the anticipated repayment dates? How much does Canada stand to profit from this loan? What will be the interest rates? Are there penalties for late payments? Who would be penalized? We are asking for whether there are going to be delays.

All we are asking for is accountability. Canadians deserve transparency when it comes to their money. What type of planning and financial management systems have been employed to see if their model is actually going to work?

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, I am pleased to rise in the House today. I want to note that the member for Thunder Bay—Superior North will be up for a question very shortly and I hope he takes the opportunity to apologize on the record at his first opportunity for the smear that he perpetrated against Conservative members from our New Brunswick caucus.

To the question at hand, the House will know that a new international crossing between Windsor and Detroit is an absolute necessity. Our trade relationship is expanding. We are focused as a government on building long-term prosperity and economic growth. With our trade deal with the European Union there are opportunities for the United States through Canada to benefit from that. It will only expand the use of that type of a facility.

The construction of the project will create between 10,000 to 15,000 construction jobs. Canadian and U.S. steel side by side, Canadian and U.S. workers side by side will build this bridge that will secure prosperity. Of course for those of us in Windsor and Essex County we know how important it is, how critical it is for long-term business investment that the border no longer be unpredictable or a cost of delay for businesses such that they locate their investment on the U.S. side of the border instead of right in Windsor and Essex County. This is very critical.

There is only one party that actually not only says it supports this project, but that when the time comes to actually stand and be counted on this measure, stands continually to vote for the legislation that is necessary, that stands and votes for the funding allocations that are necessary. In fact, there really is only one party that is on the job on this file and that is the Conservative Party and this Conservative government.

I note when the member opposite had a chance to vote on budget 2006 with all that funding for the borders and gateway crossing point, said no to it. That is what his vote said, not mine, I voted in favour of that.

When we made a significant down payment on what is now the Rt. Hon. Herb Gray Parkway in budget 2007, the member voted against it. We voted for it.

The funding to purchase the Canadian plaza lands, the member voted against it. We actually voted for it.

Adjournment Proceedings

When it came to the inter-country agreement that was signed in 2012 right in the shadow of that agreement between Canada and Michigan, the Bridge To Strengthen Trade Act, one member was in Guatemala at the time. The rest of us were here voting. His colleagues voted against it. We actually voted in favour of it and that is to insulate this from any frivolous lawsuit by anyone seeking to delay this particular project.

Of course, economic action plan 2014 allots \$631 million, putting muscle behind the commitment to accelerate this project forward. How did the member vote? He voted against it, even in the face of so many benefits for the Windsor Essex region.

That inter-country agreement obviously not only was historic, but it was between the governments of Canada and Michigan. Obviously, in an agreement we could not obligate the government of the United States to a financial commitment in the language of the document. That is why it was written the way it was, subject to an agreement by the U.S. government to pay for the inspections plaza.

I note after the minister visited March 25 with the Department of Homeland Security Secretary Jeh Johnson, reading from *The Windsor Star*, Secretary Jeh Johnson said this is something they are actively working on. He went on to say:

The Canadian government and state of Michigan have done a remarkable job supporting the region. It's up to us as the federal government to do our part, as well.

And they expect to do so. We are getting the job done, unlike the member opposite.

● (1900)

Mr. Brian Masse: Mr. Speaker, I find that rich from the member. I was actually in Guatemala at the request of the Governor General and the member was not at the meeting for Jeh Johnson that just took place. I was at that meeting.

The member has also voted against border money and border budgets in the past as well as other investments. People do not understand this and see it as a childish game that is being played.

I would also point out that the member supported the DRTP, another private border project. He actually brought in members and pranced them around to see the project at the expense of trying to create a public partnership being this process right now. He was very much against that.

Today, the minister at the Canada-U.S. border trade alliance conference mentioned they are looking at the possibility of putting all the customs plaza on the Canadian side. That could have significant consequences for Ojibway Shores that we are trying to protect. The member has been very quiet about that. He promised to get back to the community and never has done that.

Therefore, when it comes to accountability, the New Democrats have been there since day one, since the year 2000, pushing this issue. Conservatives have not been here.

Mr. Jeff Watson: Mr. Speaker, I would only point out that a customs plaza or toll plaza should be located on the Canadian side. As a basis of the inter-country agreement, we are the ones who are going to be repaid for that. It only makes absolute sense. However, it is the inspection plaza that is the one that has not been accounted for in terms of the funding. We heard from Secretary Jeh Johnson, as a

direct result of a March 25 meeting with the Minister of Transport. He is actively working on this file.

The member can say what he will, but let us look at the record. I am happy to put my voting record against that member's voting record any particular day on this matter. It is his voting record that is a shame. The Governor General asks the only member who left the House that day to go on a trip to Guatemala. So be it, but I was here supporting that measure.

This government is going to get that job done in spite of the New Democrats because it is important. It is the number one infrastructure priority according to the Prime Minister, and we are going to get it done.

THE ENVIRONMENT

Mr. Bruce Hyer (Thunder Bay—Superior North, GP): Mr. Speaker, rarely have I had the opportunity to stand in this place and celebrate a victory for reason and science under this regressive government, but that is exactly what I have the honour of doing here tonight.

Just over a month ago, with its interim, life-support agreement set to expire at midnight that day, I stood here and asked if the Conservatives were again attempting to finish off the Experimental Lakes Area.

Operating since the late 1960s, the chain of 58 lakes in northwestern Ontario that make up the ELA has been responsible for breakthrough science on acid rain, eutrophication, mercury contamination and climate change. It has deepened our understanding of the impacts of human activity on freshwater ecosystems and the boreal forest.

Well, I am relieved to report that it is still alive, albeit needing intensive care for quite a while yet.

The people of northwestern Ontario, along with the rest of Canada and the world, will continue to benefit from the science done at this remarkable facility. It has been saved by the efforts of scientists from around the world, citizens from across Canada, the minority Government of Ontario and the superhuman efforts of one special young scientist.

Dr. Diane Orihel has led this charge from the beginning. She deserves immense credit and respect for keeping the ELA alive.

Dr. Orihel's work stands as a testament to what one informed, passionate and determined person can achieve. All Canadians who believe in science owe her a debt of gratitude.

As she wrote in *The Globe and Mail*, on April 1:

This is potentially an exciting new chapter in the history of the ELA. Inhibited by years of abuse and neglect under successive federal governments, the ELA could finally realize its great potential.

However, it should never have come to this. We are grateful to the IISD for taking over operations at ELA.

Since those Conservatives came to hold 100% of the power in 2011, with only 39% of the vote, literally thousands of science jobs have been eliminated, with thousands more pending on the chopping block.

Adjournment Proceedings

The cuts to scientific programs and research facilities are too long to list tonight, although the blog called, “The Canadian War on Science: A Long, Unexaggerated, Devastating Chronological Indictment”, has done a great job of bearing witness.

When that administration is finally run out of Ottawa in 18 months, we will begin the job of fixing the mess the Conservatives have left behind: environmental laws will have to be rewritten, the power of the PMO reined in, and a balanced and sustainable 21st century economy created.

Scientific evidence, consultation with Canadians and respect for science must be brought back into policy-making. The Conservatives' most lasting legacy may well be the destruction of federal scientific capacity. Respected publications like *The Economist*, *The New York Times*, and *Nature* are all criticizing our administration for muzzling, cutting and outright eliminating what were once world-leading science programs.

It could take a generation to recruit, train, hire and otherwise reacquire the scientific expertise that the current Conservative administration has so foolishly discarded, and this is a tragedy.

When economic competitiveness in the 21st century depends on leading the way with scientific and technological expertise, how will those Conservative members explain to their constituents and to all Canadians why and how this administration has set Canada's scientific and economic competitiveness back a full generation?

• (1905)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I was hoping to hear that member, when he got on his feet, actually do what my colleague from Essex asked him to do, and that is apologize for what he said about our New Brunswick members. The Green Party talks about how we treat each other, but when it comes to an opportunity to actually make it right, I guess playing politics is more important.

However, I am happy to answer his question factually.

On March 31, 2014, the Government of Canada announced that a new operator for the Experimental Lakes Area had been secured. I am pleased to say that the Government of Canada has finalized agreements with the new operator of the ELA, the International Institute for Sustainable Development, as well as with the Province of Ontario. These agreements mean that the federal government has fulfilled its commitment to ensure that research at the Experimental Lakes Area can continue under a new operator.

Fisheries and Oceans Canada had been leading the negotiations with the International Institute for Sustainable Development and the Province of Ontario since the spring of 2013. Parties committed to reaching final agreements by March 31, 2014, and we have met that commitment.

The Government of Canada has signed four agreements in total, and these agreements address a variety of topics.

We have reached two agreements with Ontario. The first agreement establishes that the main research site at the ELA is in a safe and clean condition for return to Ontario. Over the fall, Fisheries and Oceans Canada undertook a variety of remediation activities to ensure that the site was in good condition.

The second agreement with Ontario describes Fisheries and Oceans' plan to remediate the surrounding land and the watersheds. The Government of Canada will undertake remediation activities to clean up remnants of past scientific activity. These cleanup activities will include removing unneeded wooden platforms from lakes and removing boardwalks and docks that are in poor condition and are not required by the new operator. In addition, the agreement with Ontario describes the lake monitoring required to demonstrate that lakes have recovered from past scientific experiments. While the lakes do not require active remediation, the Government of Canada will be responsible for monitoring their continuing recovery.

The Government of Canada's agreement with the International Institute for Sustainable Development includes several elements that ensure that the institute is well positioned to begin operating the research facility and the scientific research program. For example, the agreement includes funding for \$1 million over four years for the institute to maintain the long-term environmental data sets.

The agreement also includes the transfer of moveable assets formerly used to operate the ELA research facility and the scientific research program.

The agreement describes the lake recovery monitoring program the institute will conduct on behalf of Fisheries and Oceans Canada.

Finally, all three parties signed a scientific data-sharing agreement. Through this agreement, Fisheries and Oceans Canada will make available all of its ELA scientific data for the new operator. This scientific data set is unparalleled and includes lake ecosystem data collected over the past 45 years.

Our government will also be introducing the ELA research activities regulation very shortly. Once finalized, this regulation will authorize the new operator to continue making deposits, for scientific research purposes, at the Experimental Lakes Area.

Our government has always said that we were committed to finding a new operator for the Experimental Lakes Area. The International Institute for Sustainable Development is well suited to operate the ELA and has the capacity, expertise, and international reputation to take on this important job.

The agreements and regulation I have described will ensure the effective and efficient transition to the new operator. We wish them well in that endeavour.

While the International Institute for Sustainable Development embarks on its new science program at the ELA, Fisheries and Oceans Canada will continue its diverse freshwater research program in other locations across the country.

Adjournment Proceedings

•(1910)

Mr. Bruce Hyer: Mr. Speaker, to reiterate what we have just heard, the Conservatives claim to have been working hard to preserve the Experimental Lakes Area, when nothing could be further from the truth. People from across Canada, and especially in the Kenora riding, know very well that the Conservative efforts to kill off the ELA ran into a solid wall of public and scientific opposition. They are now attempting to spin to do damage control.

Saving the ELA will go down as one of the few times in the life of the government that science and reason actually prevailed, despite this administration's best, or perhaps we should say worst, efforts.

Very soon, a new government will work to restore the damage done by this administration and will recognize that building a sustainable 21st century economy depends on the innovation and expertise that begins with science. Then, hopefully, we will resume having policies based upon facts and real science rather than policies based on blind faith in trickle-down, pseudo-economic theories.

Mr. Colin Carrie: Mr. Speaker, science is about facts. I have just reiterated the facts of this situation for the member, and unfortunately, he cannot take yes for an answer. The reality is that

the Government of Canada led negotiations to secure a new operator for the ELA, and we are pleased that the International Institute for Sustainable Development will continue the work of the ELA.

Over the past year, we have worked in close collaboration with the Province of Ontario and International Institute for Sustainable Development to ensure that the ELA site is in good condition and that the new operator is well positioned to begin operations. As we move forward, the Government of Canada will continue to invest in freshwater science across the country.

The Fisheries and Oceans' freshwater science program is an active and diverse program. Departmental scientists conduct cutting edge research in lakes and rivers across our great nation. The Government of Canada will continue to make wise investments in priority science areas that directly support conservation and fisheries management.

The Acting Speaker (Mr. Bruce Stanton): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:14 p.m.)

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