



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, November 27, 2001**

—

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, November 27, 2001

The House met at 10 a.m.

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*Prayers*

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• (1000)

[*Translation*]

## POINTS OF ORDER

MEMBER FOR BEAUSÉJOUR—PETITCODIAC

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, on November 22, the member for Beauséjour—Petitcodiac said during his speech on Motion No. 241, and I quote:

In 1955, during the 200th anniversary of the deportation, all of the Acadian leaders and the Société nationale l'Assomption—now known as the Société nationale de l'Acadie—focused on the future in commemorating this tragic event from their past.

In an important speech on this very issue, Claude Bourque, a well-known reporter and writer concluded that, in 1955, the SNA ensured healing for all Acadians by forgiving those who organized the deportation.

At the time, the chief organizer of the festivities, Archbishop Adélard Savoie, who would later become the rector of the Université de Moncton, said, and I quote: “Evoking this period should elicit the profound joy of resurrection rather than the overwhelming sorrow of annihilation. Acadians should feel no resentment or bitterness at such a time. This is the generous offer of Christian forgiveness and the expression of a firm desire to continue our forefathers' work on this beloved Earth and carry out to their fullest the designs of Providence”.

However, Mr. Speaker, a member of the board of directors of the Société de l'Assomption, who was present at the celebration, and the deputy chair of the organizing committee for this event said publicly that this information was completely false and that Mr. Bourque—

• (1005)

**The Deputy Speaker:** Order, please. From what I have heard so far, this is a debate about what a member of another party said with respect to the motion in question. I do not see this as a point of order.

If the member has something technical to add, if his point of order concerns our rules, I will allow him to continue, but I do not want this to become a debate.

**Mr. Yvon Godin:** Mr. Speaker, it is a point of order. What I am saying is that the member for Beauséjour—Petitcodiac misled the House through misinterpreted remarks.

I ask that the member for Beauséjour—Petitcodiac withdraw his remarks on this topic or that he withdraw them before the House.

**The Deputy Speaker:** Again, I find that the intervention by the member for Acadie—Bathurst is a matter of debate. However, I will

take the time to examine the other member's remarks in greater detail and, if necessary, I will get back to the House.

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[*English*]

## CANADA ELECTIONS ACT

**The Deputy Speaker:** I have the honour to lay upon the table the report of the Chief Electoral officer on proposed amendments to the Canada Elections Act. This report is deemed permanently referred to the Standing Committee on Procedure and House Affairs.

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## ROUTINE PROCEEDINGS

[*English*]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to two petitions.

\* \* \*

• (1010)

## COMMITTEES OF THE HOUSE

INDUSTRY, SCIENCE AND TECHNOLOGY

**Ms. Susan Whelan (Essex, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on Industry, Science and Technology entitled, “Getting Back to Business”.

The committee heard representatives from many of Canada's major industrial sectors. Some of them provided estimates of their financial losses incurred that were indirectly attributable to the terrorist attacks on the United States.

The committee advises the federal government to take bold action to resolve perennial problems at Canada-U.S. border crossings and suggests that the government undertake a number of critical initiatives.

I thank the witnesses, members of the committee and the staff, especially our researcher Dan Shaw, for their diligence.

*Government Orders***PETITIONS**

## FISHERIES

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, I have a petition from my constituents regarding the fishing industry and the inland fisheries of Lake Winnipeg and Lake Manitoba.

The petitioners ask that the Parliament of Canada, the Freshwater Fish Marketing Corporation and the legislative assembly of Manitoba grant the Lake Manitoba Fishers' Association membership an unrestricted licence to market their coarse fish, which is a big issue for these fishermen.

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**QUESTIONS ON THE ORDER PAPER**

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I would ask that all questions be allowed to stand.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**[*Translation*]**ANTI-TERRORISM ACT**

## BILL C-36—TIME ALLOCATION MOTION

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.)** moved:

That in relation to C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities, in order to combat terrorism, not more than one further sitting day shall be allotted to the consideration of the report stage of the bill and one sitting day shall be allotted to the third reading stage of the said bill and fifteen minutes before the expiry of the time provided for government business on the day allotted to the consideration of the report stage and on the day allotted to the third reading stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this order, and in turn every question necessary for the disposal of the stage of the bill then under consideration shall be put forthwith and successively without further debate or amendment.

**The Deputy Speaker:** In accordance with the new procedure regarding time allocation, there will now be a 30 minute question period.

[*English*]

Before I begin the 30 minute period, I will ask if members on both sides of the House could give the Chair and the House some indication as to how many are intending to participate in this 30 minute period. Please stand and give the Chair an indication.

With the co-operation of everyone, the minister and those asking questions, the 35 seconds will certainly not apply. Having said that, I hope the questions will be put in a reasonable period of time, approximately a minute or so. Likewise for the responses. We will have as many people participate as possible.

I will begin with the leader of the official opposition.

● (1015)

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, since September 17, the official opposition has been pushing hard for tough anti-terrorism legislation that would provide for the safety and security of our citizens. There are some important measures in the bill which the government has agreed to for which the official opposition asked, but there are some glaring holes in this wall of protection that should be there for Canadians.

There is no ban on membership in terrorist organizations. Unbelievably there is still parole eligibility for terrorists convicted of mass murders. If the person who planned the World Trade Center bombings, which killed thousands of people, was in Canada and was charged and convicted of this act, unbelievably he would be able to apply for parole. That is unacceptable.

There is nothing in the legislation to speed up extradition from Canada or undo the damage of the Burns v Rafay decision, which allows criminals to flee the consequences of their actions if they can make it to Canada and hide behind our softer laws. It is very difficult, if not impossible, for those people to be extradited to face the consequences of their actions.

Finally, the bill does nothing to improve our ability to detain and deport false refugee claimants who hurt genuine refugee claimants. Nothing is being done in these areas.

I ask the minister these questions. Why is the government now, through closure, slamming the door on the possibility that we could provide true safety and security for our citizens? Why will the government not allow the time for Canadians to be properly alerted to the dangerous and gaping holes? When will the government allow the time as well as the measures, even in other legislation, to close these holes and truly protect the safety and security of Canadians? Why is the government doing this?

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, if the official opposition were truly interested in the security and safety of Canadians, as opposed to stonewalling in terms of the passage of this legislation, it would be supporting us in our efforts to pass this legislation and have it implemented expeditiously.

Let me respond to a few of the questions asked by the leader of the official opposition. In terms of membership, we have talked on a number of occasions in the House and in committee. The leader and I have had the opportunity in committee to engage on this question and I have explained that what we concentrate on in our criminal law is conduct. What we want to do is ban conduct, not status.

Generally in the criminal law of our country we do not prohibit on the basis of status, that is, who someone is as opposed to what the individual does and the harm resulting from the conduct that would put in jeopardy Canadians and their families.

*Government Orders*

What we are targeting is conduct: the participation, facilitation, instruction, recruitment and financing. We believe this is a much more effective way to protect the interests of Canadians and their families, than to worry about the status of an individual. That status can be easily concealed and changed. Therefore it is much more important to target the conduct.

The leader of the official opposition talked about the extradition procedures. This legislation does not deal with extradition. I had the pleasure two years ago of taking forward a complete reform of Canada's Extradition Act, the first major reform of that legislation in 90 years. That reform was done in part to ensure that our processes permitted expeditious extradition to countries around the world with whom we had either treaties or other forms of arrangements.

I know my time is up, so I will end my comments there, although I acknowledge that there were a number of other questions asked by the Leader of the Opposition.

• (1020)

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I will be brief. First, as a result of our questions in the Standing Committee on Justice and Human Rights, we have learned that there is no indication at the present time that Canada could be a terrorist target. This is one thing that must not be lost sight of.

Also, a scant 72 hours after Bill C-36 was tabled, in this very place I questioned the Minister of Justice on certain provisions of the criminal code. She answered that the criminal code contained everything necessary to fight organized crime effectively. I remember very well that she even ridiculed the Canadian Alliance's desire for anti-terrorism legislation.

Suddenly, we learn that the Minister of Justice has hurriedly drafted a bill. It is tabled, then rushed through committee. Witnesses told us that they did not even have 48 hours to prepare, to properly study the bill.

Then the Standing Committee on Justice and Human Rights sat until three in the morning to study it clause by clause and push it through. The minister tabled amendments on the spot, out of the blue one might say, ones the Liberals had not even seen and which they blindly passed.

Today, they are putting a gag on us at the report stage, the 72nd one this government has imposed.

My question is a simple one: given the exceptional nature of this bill, given that individual and collective rights and freedoms are being wiped off the map by the Liberals, regardless of the minister's claimed desire to hear what the taxpayers had to say—which she obviously did not do, nor did she heed the Senate—where is the urgency to once again rush things and not at least listen to what the people's elected representatives have to say on a bill such as this?

[*English*]

**Hon. Anne McLellan:** Mr. Speaker, on the hon. member's point in relation to time, let me just remind the hon. member and everyone here that Bill C-36 has had extensive debate in the House of Commons. We had almost 13 hours of debate over a three day period

on October 16, 17 and 18, at second reading, including an extension of hours on October 16.

The House committee on justice and human rights as well as the special Senate committee on Bill C-36 have thoroughly studied the bill. The House committee heard from over 60 witnesses over a three week period. I think this kind of intensive study by committee is something quite unusual. The special Senate committee also put in place a procedure, a pre-study plan, to ensure that the House committee, the government and I could be informed of the issues in and around the legislation.

Report stage began yesterday. There were over five hours of debate. Unfortunately, when it became clear to the government House leader that opposition members would not co-operate in the expeditious passage of this legislation after this extensive consideration, the government House leader moved time allocation.

We have heard especially from the official opposition. I could quote the hon. member for Provencher, who said the following on October 16 "After years of inaction and denial the light finally went on over there".

We are acting to protect the safety and security of Canadians. It is too bad that the opposition could not act with us—

**The Deputy Speaker:** Order, please. I would ask for the cooperation of all members in the House so that we might be able to hear questions and responses. The hon. member for Winnipeg—Transcona.

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, I listened to the minister answer the previous questions. I know we are making some kind of parliamentary history today. Only the future will tell whether it is worthy history or not, but this is a new procedure and we should celebrate the fact that we have an opportunity to question the minister in this way.

When I listened to the minister, she was very clear in her answer about why the government decided not to criminalize membership. She talked a lot about status, yet it seems to me the government has included a form of status in its definition of terrorist activity when it talks about people who do things for political, ideological or religious reasons. This is a form of what she has said she is trying to keep out of the legislation, but that is not my main point.

Does the minister not see that there is something fundamentally wrong at a procedural level, at the level at which we talk about genuine democracy, to move time allocation or closure on the first day of debate after something comes back from committee?

There is no justification whatsoever for the government House leader or anybody to prejudge whether or not the opposition will behave in a particular way, on the first day after this comes out of committee and on a day in which we had some difficulty accessing amendments because of confusion about process, and to move time allocation. Does she really think that it is defensible? I do not think it is defensible to move closure even after the opposition has spent days and days debating things and then is at least open, perhaps not fairly, to the charge of obstructing the legislation.

*Government Orders*

How on earth does she expect to justify that particular manoeuvre on the part of the government?

● (1025)

**Hon. Anne McLellan:** Mr. Speaker, as I said, there has been an exceptional amount of debate, both in the House at second reading and at committee, in relation to the legislation. As my parliamentary secretary reminds me, there were even emergency debates following the tragic events of September 11.

Committee members obviously had the opportunity for some days to reflect upon amendments that they would propose and that we have proposed. It was a week ago that I was at committee proposing amendments that the government put forward to improve the legislation, all of which in some part were based upon what we heard before committee.

Now is the time to move forward. Canadians expect their government to act to ensure their security and safety. Our allies around the world are moving and it would be irresponsible for us, as a government, not to move. A government's primary obligation is first and foremost to ensure the safety and security of its people.

What we are doing in Bill C-36, and subsequently in Bill C-42, is putting in place the legal and operational infrastructure necessary to provide Canadians with that degree of safety and security that permits them to get on with their lives.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR):** Mr. Speaker, I am also pleased to see the minister here. She absented herself from the debate yesterday, but this is an opportunity at least to ask direct questions to the minister on a very important issue.

**Hon. Anne McLellan:** My parliamentary secretary was here. He is my representative.

**Mr. Peter MacKay:** Yes, we all want to move forward on matters of security and yet we know that there is the real possibility of sacrificing Canadian civil rights in this process, particularly when it comes to access to information.

I know the minister came directly from the classroom to cabinet and perhaps bypassed the courtroom, but does she understand the implications of issuing a certificate in which information can be denied to Canadians?

The parliamentary secretary went to great lengths to tell us there was a process and that one could always go to the federal court. The privacy commissioner or information commissioner could commence an action in the federal court. The issuance of the certificate can come after the fact, then the person can launch another suit in the Federal Court of Appeal.

Does the Minister of Justice fully comprehend the expense and time involved in an individual citizen of the country launching two simultaneous lawsuits against the federal government and does she really think that it will satisfy Canadians who want to get information about why they have been placed on a list of terrorists if a mistake has been made? Does she really think that justice will be done if that process is undertaken?

**Hon. Anne McLellan:** Mr. Speaker, I am not sure what the hon. member is talking about. He seems to confuse the listing process

which is the responsibility of my colleague, the solicitor general. It is a process which is replete with opportunities to seek a review of any inclusion in a list.

My direct responsibility under the legislation as attorney general is the issuance of a certificate to protect in limited circumstances certain categories of sensitive information relating in particular to national security.

Let me remind the hon. member as I did in committee that other countries, especially our allies, have similar procedures whereby a member of the executive, the attorney general or another designated minister can issue a certificate to prohibit certain sensitive information from being made public. As with other countries, due to our amendments we have a process of judicial review whereby a judge can review my decision to issue a certificate.

I heard the hon. member say that other countries do not do this. In fact other countries do this, including the United States where I believe it is the attorney general who can issue a certificate to prohibit disclosure in certain circumstances.

● (1030)

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, Canadians are deeply concerned about the arrogance and the heavy handedness of the minister and the government. Members of the Canadian Alliance on the justice committee worked in a co-operative fashion with the minister and the Liberal members to expedite the amendment of the bill and its passage through committee.

Members of the House are now entitled to review the bill and debate its provisions after working so hard on the bill. To use my comments that urged the government to bring forward legislation and to say now that we should close debate is perverse.

My colleagues who were not on the committee are entitled to be heard now that the bill has come to the House since they were not present in committee. The parliamentary secretary to the government House leader said the decision to close debate was made because the opposition indicated it wanted to discuss the bill in detail, which would have delayed passage of the bill.

We have one day of debate in the House on one of the most significant bills the House has seen. What excuse can there be for the minister acting in this high-handed fashion?

**Hon. Anne McLellan:** Mr. Speaker, there has been lengthy debate including an emergency debate, in the House, surrounding the events of September 11 and the appropriate responses on the part of the government to protect the safety and security of Canadians.

Canadians believe it is time for us to act. I thank hon. members who served on the justice committee and the Senate for their deliberations. At this point we have legislation that is both effective and fair. In our opinion that clearly balances Canadian values including the charter against the rights of all Canadians to safety and security.

I suppose we could talk about this. I make no value judgments. It is possible we could talk in and around the bill and change a word and a comma if that is what the opposition wants to do. It fails to understand the deep desire of Canadians to have their government act to protect their safety and security.

*Government Orders*

**Right Hon. Joe Clark (Calgary Centre, PC/DR):** Mr. Speaker, as the minister well knows, the reality is that since the bill was amended some hundred times in minor ways by the government there has been less than one day's debate on the amended final bill.

Moreover, the minister knows that through a parliamentary trick that held documents back from members of parliament who were out of town it was not possible over the weekend for more than a handful of members in the opposition to present amendments to this very serious bill. She would also know that the Senate reported explicitly:

The bill provides for a parliamentary review of the operation of the act within three years. The Senate would want to satisfy itself that any review is rigorous and sufficient. It will be important for parliament and Canadians at large to be kept informed about the way in which the powers in Bill C-36 are used.

This was ignored entirely by the government as it ignored most of the recommendations of the Senate.

My question is specifically about a parliamentary oversight provision. We all know that the world changed on September 11 and that there needs to be a response to terror. One of the ways in which that change has to be reflected is to ensure that members of the House of Commons, whose responsibility it is to report to the people of the country, have some opportunity to know that a minister is not—

• (1035)

**The Deputy Speaker:** Order, please. I hate to interrupt anyone, but I would ask the right hon. member, in the spirit of co-operation with everyone, to please put his question.

**Right Hon. Joe Clark:** Mr. Speaker, why is the minister so opposed to oversight committees that would give parliament a role in this decision?

**Hon. Anne McLellan:** Mr. Speaker, we have standing committees of the House of Commons and the Senate. Those committees represent in part the essence of the strength of our parliamentary democracy. Committee members spend hours talking and studying among themselves as well as hearing from witnesses.

The reality is that Bill C-36 includes many aspects of parliamentary oversight, be it in parliamentary committees such as the Standing Committee on Justice and Human Rights or the Senate committee, the privacy commissioner or access commissioner, the federal court or provincial courts or by calling ministers under the legislation. Our obligation is to report on an annual basis. It is the right of committees to call those ministers before them and to question those ministers in detail.

However, at the end of the day parliamentary oversight is provided by the men and women who sit on the floor of the House and who sit on standing committees where ministers could be called to defend that which they have done.

[*Translation*]

**Mr. Robert Lanctôt (Châteauguay, BQ):** Mr. Speaker, I do not know whether it is arrogance or a lack of awareness, but this sort of response is incredible.

The debate was held before the bill was tabled. This is the only consideration of the bill possible, and we thank the members for their participation in the Standing Committee on Justice and Human

Rights, where I was present. The amendments arrived between 4.15 and 5 p.m. Some were even tabled on the spot.

How do they expect us to consider these amendments? As a lawyer, I have often wondered how the legislator could produce anything so vague and incomprehensible. Now I understand how. It is as if a bulldozer ran over it. I was there and I did not even get a chance to look at the amendments. All we could see in committee was the Liberals voting in support of the amendments.

When the minister says she is listening—even in her answers to questions put outside the House, she said she was listening—she listened to none of the 66 amendments proposed by the Bloc Québécois, not even the—

**The Deputy Speaker:** The hon. Minister of Justice.

[*English*]

**Hon. Anne McLellan:** Mr. Speaker, as I have said, we believe it is time to move forward on behalf of Canadians. Their safety and security is our primary obligation.

I take the hon. member's point that opposition parties had amendments. However, those amendments were considered. The committee voted on those amendments. Some were accepted and some were not. That is the parliamentary process. I remind everyone that at the end of the day the government stands on that which it did. We will be accountable to the Canadian people.

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, a lot of legislation that is coming out of the justice department is legendary for being challenged in the courts.

Section 4.1 of the Department of Justice Act obliges the Minister of Justice to examine every bill produced in or presented to the House of Commons by the minister of the crown in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms.

Furthermore the Minister of Justice is required to report any inconsistency to the House of Commons at the first convenient opportunity. What the government has done is taken another method for checking whether it is consistent. Debate in the House brings forward concerns that every party would have and time allocation has been put on it.

Despite that obligation, we have seen that many other bills have ended up in the courts: Bill C-68, Bill C-41, the rape shield law—

• (1040)

**The Deputy Speaker:** The hon. Minister of Justice.

**Hon. Anne McLellan:** Mr. Speaker, I hope the hon. member is not suggesting that he would deprive, for example, accused persons and their counsel the right, if they wish to take that right, to challenge a section of any federal or provincial law that is germane to the cause at issue. I hope the hon. member is not suggesting that somehow he wants to restrict the right of Canadians to challenge the constitutionality of legislation, be it Bill C-36 or any other legislation.

*Government Orders*

We have reviewed the legislation in detail. It has gone through the most intense scrutiny in terms of whether or not it is consistent with the charter of rights and freedoms. We believe that this law is consistent.

**Hon. Bill Blaikie:** Mr. Speaker, unfortunately it seems that the more important the legislation is, the less opportunity the House of Commons has to debate and consider it. This is a pattern which worries me very much.

Would it not have been better to have had some time to debate the authenticity of the sunset clause that the minister put into the legislation and whether or not it was justified being called a sunset clause? If she was judging a paper by one of her former students, would she not see the distinction between debate about what should follow from September 11 and debate about a piece of amended legislation, that is the difference between legislation unamended and legislation amended?

We are talking about a new situation which came out of committee. We should have a right to debate it and not have time allocation moved on the first day after it is out of committee.

**Hon. Anne McLellan:** Mr. Speaker, I will not get into a debate with the hon. member around sunset clauses. We have been very clear in relation to our desire. We listened and understood that there were two provisions that caused the gravest concern. We indicated that we were willing to provide a sunset clause in relation to them.

If the hon. member feels it did not go far enough that is his right. We had five hours of debate yesterday, some of which I listened to intently in my office. Hon. members had the opportunity to put on the table their discussions around and their understanding of the sunset clause. There will be another full day of debate today in which those who choose can continue to talk about the sunset clause.

**Mr. Scott Reid (Lanark—Carleton, Canadian Alliance):** Mr. Speaker, the government knows that the bill will pass anyway. It knows that as long as it can keep its backbenchers in line it has the numbers to push the bill through. Yet it moved time allocation after it heard members on its own backbenches starting to raise concerns like they will be voting with heavy hearts and a great deal of skepticism; the bill has an immense power for abuse and the bill is a deal with the devil.

I had the extraordinary experience recently of actually being lobbied by a Liberal backbencher who was concerned about the bill and said that we had to carry on the fight. Is the real purpose of time allocation in this debate not just to shut down the opposition, the usual Liberal tactic? Is it not really about shutting down Liberal backbenchers?

**Hon. Anne McLellan:** Mr. Speaker, nothing could be further from the truth. It is too bad the hon. member could not have been present last Wednesday morning at our caucus where there was complete support for Bill C-36 and the amendments that were made.

The purpose of time allocation is to ensure that the government discharges its obligation in relation to the safety and security of Canadians. There has been much debate. It is now time for action.

● (1045)

[*Translation*]

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Mr. Speaker, this bill ratifies at least two or three international treaties that have been in limbo here for the past few years.

What explanation is there, under the circumstances, for the minister's desire to rush through consideration of this bill now, when she dragged her feet in having parliament ratify the international treaties? How does she justify so much political power being given to determining the famous certificates?

[*English*]

**Hon. Anne McLellan:** Mr. Speaker, let me point out to the hon. member that Canada is one of a relatively small number of countries that signed all 12 UN conventions which deal with the suppression of terrorism. Ten of them have been ratified and implemented.

Work was well underway and had the drafting been completed on the 11th convention dealing with terrorist bombing I would have been bringing that forward this fall regardless of the horrific events of September 11. Much of the policy work had also been done on the 12th convention dealing with the suppression of terrorist financing. That would also have been coming before the House. Far from what the hon. member says, this—

**The Deputy Speaker:** I will take one question. The hon. member for MacLeod.

**Mr. Grant Hill (Macleod, Canadian Alliance):** Mr. Speaker, I remind the minister that when the Liberals were in opposition they criticized the Tories for bringing in time allocation and closure 21 times. They have brought in this reprehensible process 73 times.

I can understand the minister bringing in time allocation on the bill if we or any opposition party were obstructing the bill. That is not taking place. If parliamentary oversight is so important, could the minister explain why she is shutting down debate so early?

**Hon. Anne McLellan:** Mr. Speaker, I was referring to parliamentary oversight of the operation of the legislation. Ample opportunity for parliamentary oversight and other forms of oversight is built into Bill C-36.

The vast majority of Canadians expect the government to act to protect their safety and security. Canadians have participated in the debate. They have watched the debate. All of us in our individual ridings have heard from Canadians. It is now time to act.

**The Deputy Speaker:** It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now before the House. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.



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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

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

• (1130)

[Translation]

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

*(Division No. 174)*

### YEAS

#### Members

Adams	Allard
Anderson (Victoria)	Assad
Assadourian	Augustine
Bagnell	Barnes
Beaumier	Bélair
Bellemare	Bennett
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Caplan	Catterall
Cauchon	Chamberlain
Charbonneau	Chrétien
Coderre	Collenette
Comuzzi	Copps
Cullen	Cuzner
DeVillers	Dhaliwal
Dion	Dromisky
Drouin	Duhamel
Duplain	Easter
Eggleton	Eyking
Farrah	Finlay
Fontana	Fry
Gagliano	Godfrey
Goodale	Graham
Gray (Windsor West)	Guarnieri
Harb	Harvard
Hubbard	Ianno
Jennings	Jordan
Karetak-Lindell	Keyes
Knutson	Kraft Sloan
Laliberte	Lastewka
Lavigne	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	Macklin
Mahoney	Malhi
Manley	Marcil
Marleau	Martin (LaSalle—Émard)
Matthews	McCallum
McCormick	McGuire
McLellan	McTeague
Mills (Toronto—Danforth)	Minna
Mitchell	Murphy
Myers	Nault
Normand	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Owen	Paradis
Parrish	Patry
Peric	Peterson
Phinney	Pickard (Chatham—Kent Essex)
Price	Proulx
Provenzano	Redman
Reed (Halton)	Regan
Richardson	Robillard
Rock	Saada

Savoy	Scherrer
Scott	Serré
Sgro	Speller
St-Jacques	St. Denis
Steckle	Stewart
Thibault (West Nova)	Thibault (Saint-Lambert)
Tirabassi	Tonks
Torsney	Ur
Valeri	Vancief
Volpe	Wappel
Whelan	Wilfert
Wood— 141	

### Government Orders

### NAYS

#### Members

Abbott	Anderson (Cypress Hills—Grasslands)
Bachand (Richmond—Arthabaska)	Bailey
Bellehumeur	Benoit
Bergeron	Bigras
Blaikie	Borotsik
Breitkreuz	Brien
Brison	Burton
Cardin	Casson
Chatters	Clark
Comartin	Crête
Cummins	Dalphond-Guiral
Davies	Day
Doyle	Dubé
Duceppe	Elley
Epp	Fournier
Gagnon (Québec)	Gagnon (Champlain)
Gallant	Gauthier
Girard-Bujold	Godin
Goldring	Gouk
Guimond	Hanger
Harris	Hearn
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Hinton	Jaffer
Johnston	Kenney (Calgary Southeast)
Laframboise	Lalonde
Lanctôt	Lebel
Lill	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Marceau
Mark	Martin (Winnipeg Centre)
Mayfield	McDonough
McNally	Ménard
Merrifield	Mills (Red Deer)
Nystrom	Obhrai
Paquette	Penson
Perron	Plamondon
Proctor	Rajotte
Reid (Lanark—Carleton)	Reynolds
Ritz	Sauvageau
Schmidt	Skelton
Solberg	Sorenson
Spencer	St-Hilaire
Stinson	Stoffer
Strahl	Telegdi
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Toews	Tremblay (Rimouski-Neigette-et-la Mitis)
Vellacott	Venne
Wasylycia-Leis	Wayne
White (Langley—Abbotsford)	Williams
Yelich— 99	

### PAIRED

#### Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau— 12

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

*Government Orders**[English]*

I wish to inform the House that because of the proceedings on the time allocation motion government orders will be extended by 30 minutes.

• (1135)

## REPORT STAGE

The House resumed from November 26 consideration of Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities in order to combat terrorism, as reported (with amendment) from the committee, and of Motion No. 6.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I am glad to take this opportunity to join the debate on Bill C-36 and Group No. 2 of the amendments that were put forward.

I would like to preface my remarks by voicing my concern as well. Since I have been a member of parliament in the House of Commons, closure has become the norm rather than the exception. Every single time we get a contentious piece of legislation the fact that the government moves so quickly to stifle and limit debate has become, since I have been in this political life, the norm rather than the exception. I condemn that in the most forceful way possible.

We are happy to be able to support the amendments in this group of motions. We believe that the opposition parties were unanimous in their condemnation of Bill C-36 and unanimous in the thoughtful presentation of meaningful amendments. There was a sincere spirit of co-operation in our efforts to make Bill C-36 a more enforceable and more meaningful piece of legislation, to make it something that would in fact have the desired results and still not compromise those things that Canadians feel very strongly about.

We are comfortable that the motions in this group of amendments would have improved the bill, but we are critical of the Minister of Justice, who gave every indication that she would in fact entertain meaningful amendments. In virtually every press conference or public comment she gave she was trying to give the impression to the Canadian public that she would entertain meaningful amendments if they were presented in the proper spirit of improving the bill. Yet what we saw ultimately was absolutely no flexibility on the real substance of the bill. I can point to the most obvious and glaring issue, which is the idea of the sunset clause.

Virtually every presenter that came before the committee demanded that there be a sunset clause provision in the bill in order to assure Canadians that the move to trivialize or minimize their civil rights would not be a permanent thing in the country, that the bill was meant to deal with an emergency that was a real and present danger, and that Canadians wanted to feel secure in their own country but not at the cost of giving up civil liberties. The sunset clause is the most glaring example of the intransigence on the part of the Liberal Party, the ruling party, in listening to the concerns brought before the committee.

There is not a sunset clause in any meaningful definition, as we understand it. The member for Winnipeg—Transcona said it is a sunset clause like June in the Yukon. That is about as sunsetting as it

gets. It might reach dusk, but it certainly is not what we understand to be a sunset clause.

• (1140)

**The Deputy Speaker:** I wonder if I might interrupt. Presently before the House is Group No. 2, which consists of one motion. It is a motion in the name of the hon. member for Lanark—Carleton and states:

In no case shall a person be bound to secrecy for a period exceeding fifteen years, unless otherwise indicated by the deputy head.

In fairness to everyone, I will remind the House that we are on Group No. 2. There is one motion in it. If the member for Winnipeg Centre wants to continue I will give him the floor. If he chooses to wait until we get into the other groups that is for him to decide.

Does the member for Winnipeg Centre wish to continue on the motion in Group No. 2?

**Mr. Pat Martin:** Yes, Mr. Speaker, I do. I apologize if my speech wandered from the actual substance of Group No. 2, which I understand is a motion by the Alliance member for an amendment to limit the secrecy provisions for individuals working for a security agency to a maximum of 15 years. I was planning on getting around to that issue, but in framing the context of those criticisms or pointing out the shortcomings of the bill, I found it necessary to also point out some of the other shortcomings on behalf of the Canadian people.

We in our party feel that this is perhaps the most significant issue that we have dealt with since I became a member of parliament in 1997. No other bill has had the potential to have such a dramatic effect on the way we live as Canadians as Bill C-36 does. I think it is easy to understand the level and degree of interest. The number of letters, cards and phone calls that we are getting at our constituency offices is overwhelming.

The bill has captured the imagination of Canadians, partly because of the sheer horror of September 11, partly because of our very real desire to feel more secure in our own homes and our own country and partly because of the expectation Canadians have that our government will introduce meaningful legislation that will make us feel more secure about the fact that it is doing its job. As the Minister of Justice has pointed out, the primary obligation of the government is to deal with the security of Canadians. We are being challenged with that right now.

Therefore, we are finding ourselves faced with Bill C-36, this broad, sweeping piece of legislation, which will in fact change the way we live and the way that Canadians view themselves as a nation and as a people. We are finding ourselves limited in the amount of debate we can have. Even though those of us on the opposition benches have co-operated extensively to put forward meaningful amendments, we are finding that the ruling party, which did imply that it would listen to and entertain amendments, is in fact using closure to shut this down and move this bill forward even though, I believe, the bill has not matured or has not been thought through to the point that it should be.

*Government Orders*

I know that early on in the debate on Bill C-36 a recommendation was made because we know the bill will be challenged in the Supreme Court. The recommendation was that we should submit the substance of the bill to the court and ask for a ruling ahead of time or that we should do it in conjunction and have two parallel paths so that we would be debating the bill in the House of Commons and at the same time the courts could be ruling on whether or not there would be an acceptable challenge to the bill. Frankly, that would have served Canadians well. It would have been an expedited form of introducing the type of protection Canadians expect.

However, the government chose not to listen to that good advice. It was sound counsel. It was the member for Winnipeg—Transcona who asked directly why we could not have a dual, parallel path on the bill because it is of such importance. It is too important to play politics with. That is the opinion of the NDP caucus at least. We have discussed this in our caucus meetings. We do not seek to play politics with Bill C-36 because we are all concerned. Canadians are concerned. It is a disservice to Canadians to actually grind this thing down into one of those exchanges we have seen so many times.

I am glad to be able to speak to Group No. 2 of these motions. I understand that the amendment being sought by the member from the Canadian Alliance would limit the secrecy provisions on individuals working for security agencies to a maximum of 15 years. This seems like a worthy provision. It is obviously a thoughtful, heartfelt position taken by the member from the Alliance. I would hope that there would be flexibility on the part of government, if it is serious in moving forward with Bill C-36, to at least entertain the legitimate concerns brought forward, not just by the members of the opposition benches but by the many people who have made presentations at committee.

I know that the committee sat until three o'clock in the morning recently dealing with this. There is no question about the sincerity and the level of interest expressed on the government side and on the opposition benches. We realize how necessary the bill is. Canadians do as well and are coming to us asking for some satisfaction.

● (1145)

We found it necessary to speak against Bill C-36. I believe we are the only caucus in the House of Commons and the only political party that has actually voted against Bill C-36 at all the stages up to this point, although I understand the Bloc Québécois has reservations about the bill as well.

We are not comfortable at this point. We would like to be able to say that we support the intent of the government to ensure the security of Canadians by tightening up bills and legislation in the aftermath of September 11. The NDP caucus would like nothing more than to be able to say we are acting in response to the legitimate concerns of Canadians, but we cannot support the bill at this time nor can we support the heavy handed actions of the government to limit debate at this time. Canadians are still following the debate with great interest and great concern. I am sure most Canadians are disappointed to see the House leader for the Liberal Party stand up and once again move closure on an issue of great national interest and concern.

We have heard questions and debate on the bill from virtually all the opposition parties, which are challenging the government with

the legitimate questions that do arise when we infringe on civil liberties. To what extent should we infringe on them? For how long should we infringe on them?

Even though we are speaking today to Group No. 2 and the motion dealing with the secrecy provisions, we have to focus on the bigger picture. The bill in itself is so flawed that I do not believe any of the opposition parties can in all good conscience vote for it.

With regret, we are finding ourselves debating with a gun to our heads again because time allocation has been invoked. I do not believe that quality decision making can come from that process. I do not believe in the Stockholm syndrome, for instance, where people are thrown into a room and not allowed out until they come to a resolution. I do not believe that process would result in a quality piece of legislation. However, that is the position we find ourselves in again today.

It is with regret that we are critical of the government on this issue. It should be a non-partisan issue. Canadians would like to think we can all agree on this particular issue. The motions put forward by the opposition parties are worthy. They have merit and they deserve to be introduced into the bill so that we could adopt the bill unanimously. We do not sense that will be possible.

**Mr. Lynn Myers (Parliamentary Secretary to the Solicitor General of Canada, Lib.):** Mr. Speaker, I am very pleased to rise to debate Group No. 2 in this very important Bill C-36.

As a member of the justice committee and as part of the process I must say that it was a long and arduous task in terms of the kinds of witnesses and groups that we heard from across Canada. Certainly we appreciated the calibre of their fine insights into this very important bill.

It seems to me that when we finally had the opportunity to review the clauses and take a look at the amendments being proposed from all sides, we had a very good opportunity to fully debate each and every one of the clauses. At the end of the day we were able to come together to present the bill that is now in the House at report stage.

It seems to me that we can take great heart in the fact that we listened to Canadians. We listened to people from all perspectives on the bill. I found it especially important that we did so through the lens of human rights and civil liberties, as well as national security. They were three important lenses for viewing the bill, and that is precisely what we did.

I was heartened to know and fully understand, as all members of the committee, who if they did not, should have, that the Minister of Justice wisely was able to take advice and come back in a way that brought the bill into even better sync with what Canadians value and believe is correct. That is really what we are here today to do. We are here to debate this further, to take a look at the fine amendments that have been brought forward and to move forward knowing that we have to put Bill C-36 in place because it is part and parcel of the anti-terrorism legislation that the government was very quick to introduce.

*Government Orders*

Now, having had a full debate, we are able to bring it to a conclusion. I think it is very important to move expeditiously at this point in keeping with the commitments we made not only to the Canadian people but to the wider international community as well.

I cannot emphasize enough that the Minister of Justice and this side of the House listened very closely to all people who presented. Specifically on Group No. 2 I think it is important to note that the motion being presented, while it is of interest and certainly worthy of note, cannot be supported. I will tell the House why.

The motion has to be rejected because a person permanently bound to secrecy is defined in subclause 8(1) of the Security of Information Act. We already know that. Furthermore, a person may become a person permanently bound to secrecy if the person is a current or former member or employee of a scheduled entity, or if designated by a deputy head and personally served with a notice to that effect. Those are important considerations in terms of where we are at specific to this motion. I should further add that the criteria for designating a person to be a person permanently bound to secrecy are twofold.

I am not telling the Speaker anything he does not know at this point. He knows that, first, the person has had or will have authorized access to special operational information and, second, it is in the interest of national security to designate the person.

Again it comes back to the lens of national security tempered with civil rights, human rights and the liberties that flow based on the charter of rights and freedoms. That is something that the committee took a long hard look at in terms of making sure we analyzed everything that we did consistent with the framework that we have taken as part of Canada's great value system, which is underscored by the charter of rights and freedoms.

I should further add that the new offences, specifically clauses 13 and 14 of the Security of Information Act, create a special regime for those persons who have privileged access to the most vital, special operational information and criminalizes on their part the unauthorized disclosure or purported disclosure of this narrow band of information going to the essence of Canada's national interest.

• (1150)

We need to ensure that is in place which is precisely what we have here. At the end of the day the national interest for Canada, the national security for Canada and the tools that enable us to maintain the national interest and national security is paramount. Canadians wherever they live in this great country understand that. They support the government knowing that the government is bringing forward these kinds of measures in the best interest of national security in a very meaningful way.

I should further add that the security and intelligence community has certain operational requirements that need to be fostered. These operational requirements include an ability to ensure secrecy and project to others that they have the ability to protect the information entrusted to them.

That too is fundamental to the gathering of intelligence, to ensure that peace officers and people who are involved in these kinds of processes are given the kinds of tools and legislative support, quite frankly, that enable them to do the job that is consistent with what we

as a country under national security and for interest for Canada are able to give them and they are able to carry out and do.

We need to ensure that is the case, and we are doing that. I believe it is paramount that we carry on with this because it is what Canadians expect.

While I am on the point, I want to add that while the person is designated for life with respect to the motion in Group No. 2, the character of the information may change. The definition, for example of special operational information makes clear that it is information that the Government of Canada is taking measures to safeguard from disclosure.

There again that too underscores the commitment of our government to ensure the right processes are put in place to make sure we do the right thing to enable our people to gather that kind of information and not have to disclose it, to make sure that it is done properly and consistent with the charter and all the safeguards that Canadians take for granted in this very important area.

I want to take a moment to talk a bit about some of the concerns that were raised at the committee with respect to unlawful strikes and protests that could qualify as terrorist activity. That was a repeated theme.

The definition of terrorism, as we have now made it to be, as it was from the outset, and refined, and, more to the point, terrorist activity related to the disruption of essential service, was changed at the committee, as I said, fine tuned, to delete the word "lawful". This will ensure that protest activity, whether lawful or unlawful, will not be considered a terrorist activity unless the activity was intended to cause death, serious bodily harm, endangerment of life or serious risk to the health and safety of the public.

We listened very closely to those people who ensured that they got their points across on this very important matter. The Prime Minister and the Minister of Justice made it very clear at the outset that the committee had its work cut out for it. The committee was to do its job. It was to listen very closely, carefully and consistently to witnesses who came in good faith and presented their testimony. That is precisely what it did. As a result we were able to bring forward amendments that reflected the representations made by individuals and groups. We did so consistent with the civil liberties, human rights and national security projections that we wanted to ensure were always there and we were able to do it consistent with what I believe are the great values of this country, including the Canadian Charter of Rights and Freedoms.

Another concern that was expressed was that expressing a political, religious or ideological belief could constitute a terrorist activity. For some people that was a very real thing. I want to take great pains right now to say that is simply not the case.

• (1155)

In order to make it absolutely clear, the government proposed an amendment in committee to add an interpretative clause to the bill. The clause states for greater clarity and certainty that an expression of political, religious or ideological beliefs alone is not a terrorist activity unless it is part of a larger conduct that meets all the requirements of the definition of terrorist activity.

*Government Orders*

What I am saying is that we at the committee listened to the witnesses and listened to people who brought forward very good ideas. We changed accordingly to make sure that at the end of the day this would be the best bill possible, and I can guarantee that it is.

• (1200)

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, it is my pleasure to rise in respect of this particular motion brought forward by my colleague, the member for Lanark—Carleton.

I want to take two general approaches to the motion. First, I think the motion illustrates why there should be continued debate in the House on the bill.

I listened with care to the comments of the parliamentary secretary to the solicitor general. He did indeed work hard, as did all members on the justice committee. I am a member of the justice committee and we did listen very carefully to the evidence. We suggested amendments and amendments were made. A Canadian Alliance member brought forward an important amendment and I thank the Liberal members opposite for supporting it. We had extensive debate. One night the members sat until three o'clock in the morning.

However what goes on in committee is not what goes on in the House. Some members in the House did not have the opportunity to be at committee and to hear the minister's explanation, to hear the minister question witnesses or propose amendments. This is the time that members in the House can generally bring forward amendments, and that is what my colleague, the member for Lanark—Carleton, has done.

The amendment process illustrates the need for continued debate and assures members of the House that this is the best bill that can be brought forward to deal with this very troublesome and, yes, pressing issue.

For the government to bring in closure and time allocation is wrong. It sends out the wrong message to the people of Canada. It tells the people of Canada that the government is afraid of debate, afraid of discussion and afraid of publicly justifying the steps it has taken.

This amendment is an important one in that line of amendments. Specifically, the provision for which amendment is sought creates a permanent embargo and secrecy in respect of a specific individual. I recognize there are valid national security concerns that require people with certain types of information to be embargoed from disclosing it.

I think we all accept that in the House. However, when we think about it, this is an embargo against that individual for the rest of his or her life. This is a significant limitation on the freedom of expression that all of us often take for granted.

The member is not proposing this specific amendment to jeopardize national security. Indeed, it is to respect it. The amendment would ensure that for 15 years a person's right to freedom of expression is limited in the greater interest of national security. Again, all of us would agree with and recognize that.

The amendment then goes on to say that should there be a valid national security reason after 15 years, the deputy head can then designate that it continue. That is only fair.

• (1205)

We are dealing with national security and broader interests. Sometimes we as individuals do not understand the full implications of the information we carry around with us. Sometimes we cannot understand why we would be prevented from disclosing that information.

The government has that information at its disposal and can make those determinations. However let it do so when it is satisfied that after the passage of 15 years it is still necessary to impinge on an individual's freedom of expression. This would not leave national security vulnerable. There would be an option to extend. It would remain in the hands of those charged with the provision of national security.

I urge members opposite and all opposition members to look at the amendment as something that would reasonably allow freedom of expression and at the same time ensure the interests of national security were not compromised. I urge each and every member to vote in support of the amendment.

[*Translation*]

**Mr. Robert Lanctôt (Châteauguay, BQ):** Mr. Speaker, I would ask hon. members to reread my speech of yesterday on Bill C-36, if they can.

Today, we are dealing with the amendment on the Official Secrets Act. Will people be permanently bound to secrecy or, as proposed in the amendment, for a maximum of 15 years?

I will begin with the motion and, later on, I will discuss the issue in a general manner. We have no choice but to support the proposed motion, because it is the lesser of two evils. In a bill of such importance, we are forced to choose an amendment with which we are definitely not pleased, but which is not as bad as the alternative. It is with some reluctance that we will support this amendment.

We moved 66 amendments in the standing committee on justice. Out of that number, only one was accepted. That was done perfunctorily. The amendment simply added the term cemetery in the clause on hate propaganda. Imagine that.

We discussed very important issues, including the sunset clause. We talked about the definition, which was too broad. We provided examples, even after the amendment by the Minister of Justice. During that sitting of the committee, we were told that, yes, to use our examples, protesters could be deemed to be terrorists under such a clause, even duly amended. It is not because a clause is amended that the whole issue is settled.

Let us not forget that this clause on definitions includes several possibilities. There is a cumulative effect. In a number of places, including in paragraphs (d) and (c), protesters are included in the definition of terrorist activity.

This motion is important, but it is with some reluctance that I say so. The Bloc Québécois could have brought forward many motions, but we saw what happened.

*Government Orders*

As I said, out of the 66 amendments moved by the Bloc Québécois, only a minor one was accepted. One wonders how such a result can be arrived at.

It is a well-known fact that the Bloc Québécois voted in favour of the bill at second reading because we were convinced in principle that we had to pass an anti-terrorism bill to make our fellow citizens feel more secure. However, we are not fools, and we are not blind. It does not take much imagination to see the scope of the powers granted under this bill. I am not just talking about the powers of the government in general, but about the powers of ministers, such as the Minister of Justice, the Attorney General of Canada and the Minister of National Defence, who will wield extreme power. This bill was supposed to be an exceptional series of provisions.

Beyond the exception, situations must be dealt with. Is there a balance between security and freedom? We worked on amendments to bring some balance to the bill. There is no balance in it. Amendments were put forward. The government put forward several amendments on the first day. The amendments were presented to us. I am a member of the standing committee on justice. The government amendments were presented to us at 4.15 p.m., between 4:15 and 5. Moreover, some were added as we moved along.

When I hear government members say that they had the time to look at the amendments, I must say there is something I do not understand.

As a lawyer, I have often wondered why the wording of acts is so imprecise, so vague and how it is that it can be interpreted in so many ways. Now we have the answer. I had the answer for the first time.

As a new MP and a lawyer sitting on the standing committee on justice, I have seen how it is done and I must say it is not just a matter of going over some things with a steamroller, but it is also that people do not understand these amendments. In this regard, I would have loved to put a few questions to the members who voted so recklessly. They accepted the government amendments but not the ones we had put forward and worked so hard on. We had worked hard to put forward sound amendments to strike a balance between security and freedom.

●(1210)

How can these members say today that they have studied the bill? How could they study the amendments? It was impossible except during the proceedings of the committee, which ended at 3 a.m.

You should have seen how quickly the vote was taken and how little time we had to look at each amendment and read it. Some amendments were several lines long and we only had three to four seconds to read them before we had to vote on material received at 4.15 p.m. We had a binder three to four inches thick full of amendments. How can we say that the impact of those amendments was considered?

Not only are we witnessing window dressing but things are being concealed in a bill of great importance. I am very disappointed with the kind of work done in committee. I was sure that through our involvement as members of parliament we would have a say. We tried to give these amendments serious consideration.

At one time, we were not even discussing the amendments. Those moved by the Bloc Québécois, the New Democratic Party or the Progressive Conservative-Democratic Representative Coalition were all rejected. It was a charade.

I am disappointed as a citizen, as a lawyer, and most of all as a member of parliament. I thought we were seeking a balance between security and freedom. To enjoy freedom, however, we must maintain democracy, but this is not the way to build it.

What happened on September 11 was definitely a breach of democracy, but we are doing the same thing here in another way. What message are we sending to the rest of the world? This is but a facade: we keep hearing that ours is a democratic country, but it is completely false.

We would have liked to have a well thought out legislation that would have provided a balance between security and freedom. However, we are being deprived of any chance to ensure that this bill truly meets the expectations of Quebecers and Canadians.

When the government says that Canadians agree with what this bill is trying to do, that is completely false. In order to achieve that kind of balance, first the Minister of Justice would have had to do more than say "I will listen". During oral question period in the House, she said "Yes, I am open to your ideas, I will listen. I will listen to the members, I will listen to the witnesses".

More than 60 witnesses appeared before the committee, and it is not true to say that they were listened to. There was so little listening done that not even the Senate was not heard. The Senate put out a report that was not even followed by the government.

How are we supposed to take the government seriously? It cannot be taken seriously, and that is a problem. This is not simply about taking the government seriously; it is about our democracy, our institution known as the House of Commons, and the Standing Committee on Justice and Human Rights. This is a complete stalling tactic, because the government is fooling people into believing that there was an opportunity for debate, but the debate took place before the bill was introduced in the House.

It gets worse. Yesterday was the first day of the report stage for the bill. After only three hours, notice was given that there would be a gag. Today, we voted on this motion. After only three hours of debate at report stage, a gag was ordered, not only for the report stage but also for third reading. It cannot get any more anti-democratic than that. It is really unbelievable.

●(1215)

I would like us to be really serious and examine the amendments. There is a problem when in committee we are told by senior officials and by the Parliamentary Secretary to the Minister of Justice that demonstrators such as those in Quebec City would fall into the definition of terrorists.

We cannot allow this government to run roughshod over democracy and freedom.

*Government Orders*

[English]

**Mr. Deepak Obhrai (Calgary East, Canadian Alliance):** Mr. Speaker, it is my pleasure to rise today to speak to Bill C-36. It is an important piece of legislation. Concerns have been expressed by many and I will dwell on them shortly. The bill is needed because it is important that we address the issue of how to combat terrorism. Canadians want the bill but they are apprehensive.

It is critically important that all Canadians have an opportunity to discuss the bill thoroughly, bring in amendments and allow debate to take place. It is important that Canadians do not feel apprehensive about the bill. After a thorough debate they should feel satisfied with the direction it is taking.

However today the government has invoked time allocation to stifle debate on the bill. Hundreds of Canadians have expressed concern about the issue. More and more Canadians are expressing concern because they have not had an opportunity to provide input into the bill.

We had an opportunity this morning to ask the Minister of Justice why she brought in time allocation. That is a good step toward reforming parliament. Time allocation used to come in and we never had an opportunity to ask the minister about it.

What was amazing was the response the Minister of Justice gave. She said there had been extensive consultations and that 13 hours of debate were held in committee. What is 13 hours of debate for a bill of this magnitude? Most of us in the House have not had an opportunity to speak. Colleagues of mine would like to speak to the bill as would colleagues from other parties. We want to express our concerns about what is right and what is wrong with the bill but we no longer have the opportunity.

The government has put time allocation on the bill, yet the minister stands proudly and says the government has had extensive consultations with hundreds of Canadians. The most amazing thing is that she said parliament has had a full debate on the issue since September 11.

As was pointed out to her, the bill is coming before us after all the amendments were done in committee. As parliamentarians we would like to be able to discuss the issue and look at the views of colleagues. That opportunity is being denied us by time allocation.

A lot of concerns are being expressed about the legislation, especially by visible minorities and immigrant communities. They want assurances that they will not be targets. While the intent of the bill is not to target anyone they need assurances that the bill will contain provisions to make sure their freedoms are not taken away or curtailed to some degree.

We have heard about incidents where bigots and others have targeted minorities. This is wrong and totally undesirable in Canada. As recently as last week I heard a report about Sikh truck drivers from Montreal who were subject to harassment because they have beards and wear turbans. This kind of thing must stop. These people are not part of terrorist groups. However it can only stop when we have the opportunity to debate and bring out these issues and say this is the wrong thing to do.

The government has invoked time allocation and stifled the debate. People will be apprehensive. For the bill to effectively fight terrorism it needs the support of all Canadians. We cannot have people sitting out there feeling apprehensive about the bill and not fully supporting it.

● (1220)

The bill is needed. It is required after September 11 to fight terrorism. We are fighting people who do not obey the laws, people whose own narrow view of life prompts them to disregard human life and curtail the freedom of others. The most important thing is that they do not respect the freedom of others.

The bill is needed to fight these guys so we can maintain our freedom. At the same time we cannot stand here and create a bill that makes a huge section of the Canadian community apprehensive because they figure somehow or other they could be subject to unnecessary harassment. That is the most necessary thing we must do here.

An important example is the incidents that happened in Montreal when Sikh truck drivers were harassed. That is absolutely wrong. I hope the Minister of Foreign Affairs will do something about the issue.

We find it amazing that we have had extensive committee hearings, a bill has gone through committee and come in here, and the first thing the government does is invoke time allocation. The amazing thing is that the Minister of Justice is saying our allies, the Americans and the British, did the same thing.

That is fine. Our allies also need to fight terrorism and they brought in their own bills, rightly so. However we need to discuss the issues in a Canadian context and take into account the Canadian environment. We have our own laws. Our society is slightly different from other societies. We need a thorough debate in the House so we can address the issues many are raising.

My colleagues on this side have expressed many concerns. They want to tighten the bill where they think it is lax. The bill will not achieve its objectives. That must be done not only in committee but in debate in the House. The hon. member for Calgary Centre said we need parliamentary oversight of the bill to see that it fulfills its mandate but does not take anyone's freedoms away.

The minister said to the right hon. member for Calgary Centre that parliament is the oversight for the bill. That is exactly what she said. Yet it is in this parliament that time allocation has been brought forward so we cannot debate. Perhaps she can explain how this works. One minute she is saying parliament is the watchdog over the bill and the next minute we cannot stand to talk about the bill because she brings in a time allocation order. Does this make sense? No, it definitely does not.

Sitting here and listening to the Minister of Justice give all the reasons she has brought in time allocation, I feel Canadians will have no confidence in the bill. There will always be a little apprehension. We as members of parliament must go out and talk to our constituents. They are telling us they have apprehensions or they feel the bill is flawed in certain areas. All that can be dealt with when there is a thorough debate in parliament.

*Government Orders*

Perhaps the minister could open an emergency debate on the issue this evening, let it go all night and allow every member of parliament to speak and give their points of view. If amendments are needed we could debate them in the House because we can always improve on the bill. She could then pass the bill in the normal course of business. Members of the Canadian Alliance have said they are supportive of the bill. I do not see what the problem would have been.

I am extremely disappointed at what has happened today with the move for time allocation. The government talks from both sides of its mouth. As parliamentarians we will be keeping a close eye on the bill.

• (1225)

[*Translation*]

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, it is a pleasure to take part in this debate today. This is the second time this week, and we could have gone on with the debate a little longer. Besides, we are blaming the government for its decision to cut the time allocated for debate and to proceed very quickly with passage of this bill.

People are now watching the Liberal government and will come to the conclusion that it does not want to give them the opportunity to know about all the issues underlying this bill and what impact it will have on civil liberties.

The terrorist attacks on New York City and Washington must not change the principles guiding our way of living and doing things. That would be a great victory for the terrorists. We would then have yielded to terror. In our reactions and attitudes, we will have to maintain a balance between improved security measures and the tremendous importance of freedom in our society.

Let us recall that in committee, the Bloc Québécois put forward 66 amendments, which were all rejected. As a matter of fact, those amendments sought to strike this balance between freedom and security.

On the face of it, I was completely against such an anti-terrorism bill. I knew for certain there would be excesses on the part of this government. Its determination to rush this bill through the House is proof of its bad faith.

The Prime Minister had said he was quite open to a sunset clause, but we know very well that what we now have is not a real sunset clause on all the provisions of the bill. This legislation will not be terminated after a certain number of years. The sunset clause applies only to two clauses. Therefore, it is not really a sunset clause that will automatically terminate this piece of legislation.

This bill also has implications for human rights and freedoms. We should have provided for a transparent and open review process, including the examination of day to day enforcement activities to identify any negative impact on civil society.

We are getting a little bit too easily caught up in the partisan war game the United States is waging in the Middle East. According to Professor Jean-Pierre Derriennic of Laval University partisan wars have three characteristics. They are:

—exaggeration of the importance of the issues, the ability to polarize society around a key conflict, the antiterrorist struggle between good and evil, between the civilized and the so-called uncivilized worlds.

Clearly we do not get very far with this view of the world in which good and evil are divided into two camps. This is simplistic sociology that rigidly links social realities when in fact things are much more complex.

The causes of violence are numerous, and the western world must not close its eyes. It is our job to explain to the public the responsibility for the economic inequalities among international systems. A number of people from different ridings have come to tell us at our offices what the attitude of the government and parliament should be to our responsibilities toward the Middle East, for example.

The war being waged at the moment in the Middle East is not the only solution to the problem, according to Laval University Professor Albert Legault, who said:

First the issue of the antiterrorism war as such must be dissociated from the operations in Afghanistan and, unfortunately, this is the linkage currently being made.

The government of the United States is also utilizing the horror of the events of September 11, events that cannot be justified. At the same time, however, these events must not serve as an excuse to encourage domestic and international support for these military operations. There are risks in this, according to Mr. Legault. I will quote him a second time:

The United States will have much to do to prevent the current conflict from turning into a worldwide civil war.

• (1230)

We pressed for this message to be put across to the government and that the Liberal government, namely the Prime Minister, put pressure on the United States.

Extreme caution is required in dealing with that part of the world. For example, when they planned their fight against the Taliban, the United States called upon two neighbouring countries hostile to one another, Pakistan and India. By allowing the northern alliance to play a major role in Afghanistan, they marginalized the majority ethnic group. Iran declared that it would never tolerate an international force in the region.

Moreover, it is reported that Iraq could be the next target of the United States. By voicing these concerns, I express the views of many of my constituents. Having met with members of the Afghan community living in Quebec City, I can say that they are very worried about the forces that will be in place in the post-Taliban regime.

Going to war, one always knows when it started but can seldom say when it will end. The same goes for anti-terrorism measures. This is why we should be very careful. The government is also trying to take advantage of the anti-terrorism mood to pass repressive legislation that might be used against innocent people.

We will recall that in October 1970, not that long ago, the power of arrest was abused. At that time, some MPs held their own, daring to go against the strong atmosphere of panic, and did support the War Measures Act.



A video was broadcast, which offers a very good explanation of how this psychosis among the population was stirred up in order to gain its acceptance of the war measures in Quebec City. People imagined terrorists at our gates, terrorists everywhere, maybe even living next door; anyone who belonged to the Parti Québécois was suspect. Often sovereignist and terrorist were associated terms.

In the anti-terrorism legislation the government is trying to shove through, that same fear exists. This will be confirmed over the years. We will see how the government is going to be able to make use of it.

In the aftermath of September 11, critical thought has undergone a great deal of pressure. People felt as if there were pressure to be for or against the victims, for or against the U.S.

Our analysis must go far beyond the simplistic “for or against”. As well, we saw that there was no room for criticism. Members need just think about the harsh criticism of a former president of the National Action Committee on the Status of Women, who dared to speak her mind about the United States. Worse yet, because she was present but did not protest, the Secretary of State for Multiculturalism was taken to task by the press. In such a context, because she listened to someone expressing divergent opinions, she was found guilty by association.

This is one of the things that concerns us in this anti-terrorism bill: one can be found guilty by association. Talking about being guilty by association conjures up memories of the October crisis and the War Measures Act. In those days, being part of the sovereignist movement meant that one was a member of some FLQ cell. They deliberately tried to have the public believe that if sovereignists could be members of the FLQ, then they could pose a threat to society.

Even in wartime or quasi-wartime, we must protect our freedom of expression and our civil liberties if we want to safeguard our so-called liberal democracy—with a small “l” not to be confused with the Liberal Party. What is the use of protecting our democracy if we are going to break it down at the same time?

Motion No. 6, which we are studying today, deals with the fact that a person would be bound to secrecy for an indefinite period, maybe even for life. We want that measure to be more flexible, so that a person would be bound to secrecy for only 15 years.

This is the lesser of two evils, but we would have liked the provision to be much more flexible. Why is it so urgent to have the anti-terrorism bill passed just as it stands today? I do not believe it will wipe out terrorism in Canada.

• (1235)

We should have asked ourselves where terrorism is occurring in Canada. We should have discussed the issue. If we had been sufficiently watchful, given all the measures we already have at our disposal, we would not be forced into passing this anti-terrorism bill that is being rammed through the House and does not take basic freedoms into consideration.

[*English*]

**Mr. Art Hanger (Calgary Northeast, Canadian Alliance):** Mr. Speaker, I would like to say how pleased I am to address the bill one

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more time but I am not at all happy, of course. Many members on the opposition side, and I would not doubt on the government side too if they would stand up and say it, agree that to put closure on this piece of legislation is not a wise thing to do. There is much more to be discussed yet. Given that, I am going to spend my time addressing some more points on the bill, which I think need to be addressed on the issue of resources.

For the last eight years in the House issues of security have always been of high interest to me, having come from a police background. Resources have always been a key point in getting any job done. The more thoroughly one wants the job to be done, the more boots on the ground are required to do it. Whether that is in intelligence gathering or investigation itself or even in the prosecution courts system, those are the areas where people are required to make things happen.

What concerns me not so much with the legislation but with the posturing on the government side is that the real issue has still not been addressed. We could have the best policies in the world. I for the most part do not disagree with much of what is here; there are some exceptions and my colleagues have addressed them quite adequately previously. We can have the best policy which looks really good on the books and even reads well but if we do not have the resources to make things happen, then that policy is all for naught.

Back in 1994 the issue for just about every enforcement agency, and here we are talking about enforcement again but I will throw defence into the mix, was the need for more manpower, resources and up to date equipment so the agencies could effectively do their jobs. That was the call in 1993 and 1994.

In the last four months I have taken trips not only to the border crossings in the country but also to an immigration office overseas. In speaking with some of my police colleagues and immigration enforcement officers, the message was far more urgent to resource the enforcement agencies than it was back in 1994. I cannot understand concentrating on this piece of legislation when it is resources that are going to make things work. In other words, let us put some money into it. Let us tighten up in the areas where it is not working.

If those two issues alone were looked after, if they alone were addressed by the government, I wonder how much legislation we would really need. What does it take to do intelligence gathering? If we have policy that restricts the use of the intelligence we have gathered, it is necessary to address that restriction. One example is shared information with our neighbours to the south. What are the inhibitors on this side of sharing information with them and what are their inhibitors that would prevent them from sharing information with us? To me, legislation for the most part does not come into play here. Or does it? If it does, it should be changed accordingly.

We can have these policies that address certain issues on terrorism and try to make an impact and make our country more secure, but for the most part the government has fallen far short of resourcing those particular agencies that need help. I am going to address some of those agencies, including the immigration offices.

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•(1240)

When I was last in Vancouver, the immigration officers spoke of the need for 140 or 150 people right there at that time just to deal with the issues of increased security and processing of immigrants and refugees who came to those ports of entry in British Columbia. Maybe 140 or 150 does not sound like too many, but that is only one district. The minister has declared openly that she would supply 100 officers for the entire country, but technically that does not even fill the bill for the British Columbia district.

What will happen now? There is no question that with Bill C-36, Bill C-11, with the add-on of Bill C-42, which also has to do with immigration, the pressure will be on those frontline officers to deal with it. If they do not deal with it effectively, there will be a slipshod, haphazard job of security checks done on people coming into the country. Again, it is not because of the legislation per se, all of it, but because it is not being resourced. We are not bolstering up the manpower where it counts.

I will give one example. The immigration department alone, in the words of the immigration minister, presently has 27,000 applications that need security checks and security analysis. These cannot be done overnight. Immediately that puts a burden on immigration, on CSIS and so it should. The burden is undue given that both of those agencies are under-resourced. It also puts a burden on immigration enforcement. The enforcement section is already under-resourced.

There are 27,000 applicants now. On top of all of that, throw in another 20,000 claimants who have abandoned all claims. They have abandoned all claims of attempting to go through the refugee process. Where are those individuals? Who are those individuals? No one knows. No one has a clear indication of where or who those people are or if they belong to a questionable organization. It is an unknown factor.

There is much that can be done in dealing with issues such as these. This is a security issue and should be a priority for the government and for parliament. This gives me the opportunity to address those concerns which the government side is not addressing.

Having talked about immigration, I now turn to customs. The frontline officers are the first contact for individuals coming into Canada. They are the first contact, the front line. Their emphasis has always been on goods and services and the revenue generated as a result. It has not necessarily been on immigration. Although some of those officers do a fine job, their training is outside that whole realm. There is not a piece of legislation necessarily that could change that process and put the emphasis where it should be, again to further protect our country, to further protect those who have come here and those making their home in Canada. That is the situation.

The next agency that needs assistance is the RCMP. I am going to name CSIS as well. There is no question that between those two agencies right now the pressure is on our national police force, the RCMP, as well as CSIS, the intelligence gatherer, the analyzing agency that will disseminate much of what is found to other points and agencies in Canada.

The list could go on and on. It all comes back to the whole issue of resources. It is not so much the legislation, not so much the matter that we have another bill we can throw on the shelf and say that we

did our job again. It is not that. It is where is the money and the resources to fund what we now claim to be the best piece of legislation going? That is my question to the government.

•(1245)

**Mr. Jay Hill (Prince George—Peace River, PC/DR):** Mr. Speaker, my comments on this group of amendments will be brief.

Obviously, with that rousing round of applause from the government members present, I am sure that they like me want to get on to the next group of amendments which were put forward by my colleague from Pictou—Antigonish—Guysborough. I am sure they will listen very attentively when we get to Group No. 3 amendments and hopefully give them due consideration despite the limited time we have to deal with all the amendments, not just the group that is presently before the House.

On behalf of my constituents of Prince George—Peace River, I want to make a point regarding the seriousness of what took place this morning. It is not at all unusual that the government forces through time allocation on bill after bill. In fact one of the members from the NDP, who spoke immediately following the time allocation vote, made the very strong point that unfortunately this has become the rule not the exception, in the House.

I was present in the Chamber this morning after the motion was put forward, when we had a new process, for the first time, whereby the minister, who put forward a motion for time allocation, had to defend it to the House, although I did not get a chance to pose a question to the minister.

This is a new process and a great many members from all of the opposition parties wanted to be involved in posing questions to the minister about why she felt it imperative to bring forward time allocation after only one day of debate on perhaps one of the most comprehensive and incredibly complicated bills ever been brought before this place, certainly in the eight years I have been a member of parliament. The opposition only had 24 hours to consider the amended bill, which has far-reaching ramifications for civil liberties and the freedoms for which men and women have been called upon to fight and die for the life of Canada.

After a short half-hour debate regarding the time allocation motion, the Minister of Justice said that the opposition was stonewalling. Yet, after one day of debate, she brought forward time allocation to ram Bill C-36, the so-called terrorism act, through the House of Commons. That is appalling.

Canadians need to understand that while I believe all opposition parties support certain aspects of this bill, it is completely ridiculous to say that we are stonewalling the bill because we have some opposition to it. It is ridiculous that a minister of the crown, especially one holding such an important portfolio as the Minister of Justice, would make those types of allegations after only one day of debate on the amended bill.

Given all the concerns that have been expressed over the past number of days and weeks, from the access to information commissioner, from the privacy commissioner, from other highly placed individuals, from the Senate, about certain clauses and powers contained in this legislation—

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**Mr. Grant McNally:** Liberal backbenchers.

**Mr. Jay Hill:** Yes, my colleague from Dewdney—Alouette points out that even a number of backbench Liberal members have raised some of these concerns. Yet the government brought in time allocation, the heavy hammer of closure on this bill.

•(1250)

I can only imagine how nervous they are. If Canadians are not, they should well be nervous about the type of procedure that has been brought in on a bill that is known widely now. This is in part thanks to the efforts that have been made by my colleague from Pictou—Antigonish—Guysborough, the House leader of the coalition, to raise these issues of concern about the democratic rights, their infringement and the possibility that this will impose upon Canadians. It is incredible.

I will talk about one specific issue before I bring my comments to a close on this group. I raised this with the minister and I was going to raise it again this morning had I had the opportunity during the half-hour of debate on the time allocation motion. It has to do with the list of supposed terrorists that would be drawn up and the fact that to get their names off the list they would have 60 days to call upon the solicitor general to make a decision as to whether their names should or should not have been on the list. If the solicitor general decides that their name should have been on the list or if he makes no decision at all and the 60 days expire, then individuals would only have recourse through the courts.

If people are wrongfully accused and their names appear on the terrorist list and their assets are frozen, how would it be possible for those individuals to obtain the monetary means to actually receive their day in court? It is something that should be considered by a government that is intent on ramming a bill of this importance through with closure and with time allocation, a bill about which clearly people have concerns about the possible infringements on civil liberties and freedoms that Canadians hold near and dear. The government is using a very undemocratic method. If there were ever a piece of legislation that should not have resulted in closure or time allocation, surely to goodness this is the bill.

I wanted to raise that issue while I had the opportunity in debate. I only wish the Minister of Justice listened as attentively to the concerns of the opposition on this bill. Just because we have raised concerns and have brought forward a number of amendments does not mean we do not support the general thrust of the legislation. Certainly we want our law enforcement agencies, border and perimeter security to be as strong as possible to protect Canadians and Canadian society. There is no question of that. Regardless of party, all parliamentarians want that.

By suggesting that somehow we are stalling because we are trying to improve yet another clearly flawed bill before it becomes law and gets challenged in court, then clearly the government is not listening. The minister is not listening to Canadians and parliamentarians, even those from her own backbenches.

•(1255)

[*Translation*]

**Mr. Benoît Sauvageau (Repentigny, BQ):** Mr. Speaker, since we had to vote on the gag order imposed upon us today, I would like to

begin by telling you, speaking for myself, my party, and I believe the members of the opposition parties, that I am totally outraged.

Once again, for the 72nd or 73rd time—we are no longer sure of numbers—the Liberals are imposing a gag on us, after a history prior to 1993 of objecting to this approach, calling it the most undemocratic of parliamentary procedures for preventing the members of this parliament from expressing their views on various bills.

At the time, they accused the Conservatives in power of making abusive use of this parliamentary procedure. Yet they have now succeeded—maybe trying to get into the *Guinness Book of Records*—in beating the Conservatives' score by 100%, that is having twice as many gag orders.

I believe it is very important to remind all those who are listening to us or who will one day read the *Debates of the House of Commons* or those who are students of the “great democratic tendencies of the Liberal government”. They will be able to see how the government has gagged parliamentarians. Today, after a mere three hours of debate, if I am not mistaken, we are now being gagged and deprived of our right to express ourselves on this bill.

Perhaps the MPs could go before the supreme court and argue that this is contrary to the charter of rights and freedoms, restricting their freedom of expression. Who knows? But I am just joking about that, because it is one of the government's prerogatives to do so.

Motion No. 6 proposes, after line 14, to change permanently to 15 years in connection with secrecy and national security.

This amendment deserves our attention and deserves to be discussed, yet we have seen how the Liberals have dealt with amendments. The Bloc Québécois proposed a number of amendments. Witnesses appeared before the Standing Committee on Justice and Human Rights and suggested several ways to amend the bill constructively. Yet, each time the government, which had said that it wanted to hear from opposition members and witnesses to improve the legislation, turned a deaf ear to the constructive criticism and recommendations that were made to improve the legislation. According to many editorialists and specialists in the field, the bill fails to meet the objectives it was designed to fulfill, that is, ensuring greater security and fighting terrorism while preserving the importance of the freedom and safety of Canadians and Quebecers.

This bill could have been improved thanks to the proposals made to the government. Many people believe that this type of bill is completely new, and that prior to September 11 no one had examined the issue of international terrorism, but this is wrong.

Several international conventions have been signed and ratified by the Canadian government. The government has signed 12 of the United Nations conventions and protocols on terrorism, and has ratified 10. Two still await ratification, but I will discuss them later.

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Thanks to the anti-terrorism measures proposed, Canada could ratify the two final counter-terrorist conventions. Under the proposed bill, Canada could ratify the International Convention for the Suppression of the Financing of Terrorism, a convention that would freeze the assets of terrorists by preventing the use of assets belonging to a person who is involved in terrorist activity and by preventing assets and financial and related services from being made available to terrorists.

• (1300)

These measures enable a federal court judge to order the freezing and seizure of property used to support terrorist activities. We heard the Minister of Finance boast about having had a good idea—it happens, but not as often as he would have us believe—to fight money laundering and terrorist financing. All he had to do was sign the UN international convention and Canada would have had a convention to monitor and fight terrorist financing.

Another convention that could be ratified by Canada at the United Nations is the international convention for the suppression of terrorist bombings, which contains provisions on the targeting of places of public use, government facilities, infrastructures and transportation systems for attacks using explosives or other lethal devices, including chemical or biological agents.

Canada could also ratify the convention on the safety of United Nations and associated personnel, which seeks to ensure the safety of United Nations personnel.

I just mentioned two conventions that Canada signed but has yet to ratify. I will spare hon. members and not mention the other ten conventions against terrorism that Canada signed.

This bill must be based not only on the views of opposition members, but also on those of government members who, in committee, through the Minister of Fisheries and Oceans, supported by the Secretary of State for the Status of Women, expressed their support for a true sunset clause.

These government and opposition members, as well as the experts who testified before the committee, tried to guide the government toward a more effective Bill C-36. Moreover, the public servants who drafted this legislation must or ought to have taken into consideration the various international conventions ratified or signed by Canada to deal specifically with counter-espionage.

This bill will amend a number of acts in Canada. Indeed, we are not dealing merely with Bill C-36. My colleagues, the hon. members for Berthier—Montcalm, Châteauguay and Saint-Bruno—Saint-Hubert clearly demonstrated that Canadian legislation as a whole will be affected by this bill.

The criminal code will be amended so as to include provisions for dismantling the activities of terrorist groups and incapacitating these groups and their supporters. The definition in the criminal code of terrorist activity as “an act that is committed in or outside Canada” makes it an offence under one of the ten UN conventions or protocols against terrorism.

What we see is that the government wants to implement a law in Canada which contravenes a convention signed or ratified by Canada with other countries. We must therefore be very careful.

Another of the laws which may or will be amended by the passage of Bill C-36 is the Official Secrets Act. It would be amended to cover national security concerns, including threats of espionage by foreign powers and terrorist groups, and coercive activities against communities in Canada.

Other laws will be affected by the implementation of Bill C-36. The Canada Evidence Act would be amended to include changes in court and other proceedings for the purpose of ensuring the protection of sensitive information, if need be.

The National Defence Act would also be amended to clarify the mandate of the Communications Security Establishment so that it could intercept communications directed at foreign entities and do security checks of the government's computer networks. The permission of the Minister of National Defence would be required to intercept any private communication.

I have tried to show that this is a piece of legislation which will have an impact on other legislation and many other international conventions.

The criminal code would also be amended so that any person with information relating to an ongoing investigation into a terrorist crime could be compelled to appear before a judge for the purpose of disclosing that information.

Other legislation could be amended, including the Proceeds of Crime (Money Laundering) Act. This act could be amended in order to give powers to the Financial Transactions and Reports Analysis Centre of Canada. I have listed a few of the acts as well as some of the international conventions.

• (1305)

In conclusion, I wish to tell this government that while there is indeed a serious situation following the events of September 11, and while this situation calls for emergency measures, there is also an obligation to consult, to listen, as the minister said, and also to be willing to understand. Listening is one thing, but there must be a willingness to understand.

I believe that by voting in favour of the bill at second reading, we have shown very clearly that we wish to support it, but we are not going to support it at subsequent stages unless it is actually improved.

[*English*]

**Mr. John McKay (Scarborough East, Lib.):** Mr. Speaker, I want to address the filing of annual reports to parliament, particularly with respect to the preventive arrest and the investigative hearing sections.

When the bill was first presented it proposed only that the annual reports be prepared. However there was no obligation to table the annual reports in parliament. I was pleased to see that the minister responded to that concern. She is prepared not to only produce an annual report but also has agreed to file the report in parliament.

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I am hoping that will in turn trigger an investigation by parliament and I, in turn, would hope that the justice committee would see fit to take it upon itself to review those reports and to ask some of the questions that necessarily need to be asked of those reports.

There are some obvious questions that members would like to ask. I hope the report is something more than so many arrests, so many investigative hearings, so many here and so many there and that there is a little more meat to the report than one would necessarily otherwise expect.

Some of the questions could be: What are suspicious grounds? What is the basis for making these kinds of preventive arrests? What was the length of detention? Were they individuals trying to enter or leave the country? What is the mix between citizens and non-citizens? What were the grounds for the detentions in the first place?

There are other obvious questions that will come to members' minds as they look at the reports and I hope we get responses that are consistent with the need for parliament to know.

I appreciate that one of the responses by ministers and others might well be that they cannot tell us anything because of national security. It is sort of like the James Bond scenario, "If I told you, I'd have to shoot you."

In the questioning that comes up I hope we will have the opportunity to ask meaningful questions. I recommend to all ministers and members the book by the member for Scarborough—Rouge River on *The Power of Parliamentary Houses to Send for Persons, Papers & Records*, and some other great long title.

There is actually no question that parliament cannot ask and there is no privilege that any person can claim in responding to those questions.

I do not think it is acceptable to simply dodge under the security umbrella and say that the question cannot be answered on the grounds of security. No member is interested in compromising investigations, security or sources but I respectfully suggest that parliament is entitled to know how these sections will play out.

I come from probably one of the most multi-ethnic, multi-religious, multi-racial constituencies in the country, and my constituents have spoken very clearly to me. These are groups from the Tamil, Muslim and Arab communities. Their fear is that they will become targets for police attention. They are concerned that the bill would have unintended consequences of isolating them from the larger fabric of Canadian society.

If the unintended consequence is isolation then the perverse consequence would be people who find themselves on the margins of society and feel at home only in their own communities. The net result would be a sort of self-perpetuation of isolation.

As one witness put it to the committee, punishing many to potentially catch a few is not necessarily a good direction for this great experiment we call Canada.

•(1310)

Canada's strength has been its ability to welcome a variety of people from a variety of countries with a variety of understandings of what is right and appropriate in a country. In the welcoming

process, we in turn ask ourselves how we can accommodate the concerns of others but simultaneously we ask ourselves how they can accommodate to our country and its democratic traditions. Meaningful parliamentary oversight would go a long way toward addressing those concerns.

The minister, to her credit, responded with a one year review of the sections in question, a three year review of the overall bill, a five year sunset on the contentious sections, an implied understanding that the justice committee will remain seized with the bill through the one year review and the striking of a justice subcommittee on security issues and other measures under the able chairmanship of the member for Scarborough—Rouge River. Therefore there is a bit of a cascading effect that parliament does remain seized with the most contentious sections of the bill.

While members of the committee can take some comfort from the minister's response to the concerns, there is also a self-interest in the department and in the minister's office which should be self-evident. I believe the bill will be challenged in court. I say that with virtually absolute certainty. I do not argue the point that members of the department have looked at the charter concerns but it is almost inevitable that there will be a challenge, particularly on these contentious sections.

I believe that parliamentary oversight in the bill will make it easier when the crown inevitably is challenged. In my view it will be much easier to meet the Oakes test, which is the challenge the crown will have to meet in seeing whether this is in fact charter proof.

The first part of the test is the limitation of rights rationally connected to the objective. There is no doubt that this is a bill directed to the threat of terrorism. Therefore there is a rational connection between the rights to be limited and the objective of dealing with this existential threat.

The second test is the use of the least intrusive means. The government does not wish to intrude into the lives of Canadians. If there is a less intrusive means I would be interested in it, as would all members in the House, indeed as would the government. I do not think any democratically elected government imposes itself on its people with any great enthusiasm.

The third test is a proportionate balance between the effects and the limitation of rights. We do not have absolute rights in this country. There are times when we have to repeat that. I use as an example the criminal code. The criminal code is a circumscribing of people's rights to behave in fashions they wish to otherwise. The criminal code in fact circumscribes those rights.

Therefore, when a government proposes to limit the rights of its citizens, it has to show there is proportionate balance, that the government took into consideration the impact of the effects. Preventive arrests and investigative hearings, et cetera, in my respectful submission, are areas where the government has felt the most concern and has responded with as many protections as it can in the circumstances.

*Government Orders*

I believe that the cascading effect of the one year reports, the three year review and the five year sunset, and the parliamentary oversight concomitant with those sections, is a clear signal by parliament that we recognize this is a limitation of rights. We recognize that it is intrusive. We are not happy but we feel this has to occur. We have limited the application of the sections as much as possible.

As a former solicitor general said "This is an exceptional bill to deal with exceptional circumstances". I think he is right. This is an exceptional bill to deal with exceptional circumstances. No one here is pleased to be dealing with the bill. We would rather be debating the budget or something else but September 11 occurred and changed all our lives.

Therefore, I respectfully submit, as I ended yesterday, that we are all voting for this with heavy hearts and, frankly, with no great enthusiasm.

• (1315)

[*Translation*]

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Mr. Speaker, before commenting on Motion No. 6, I would first like to respond to the remarks by the hon. member for Scarborough East, who has a lot of hopes riding on this matter. He is probably quite sincere. I know him, and he is sincere in what he is saying.

He has high hopes that with the tabling of the annual report a number of his questions will be answered. He spoke of reasons for detention, of the proportion of citizens and non-citizens and of how the relevant provisions will be applied. Apart from the third question, he would have been more prudent had he made sure these questions were transformed into criteria determined ahead of time so he would have some assurance of their being considered.

The law currently provides that the annual report cannot be debated in the House; it is merely tabled. Theoretically, it could be examined by a committee, but a House committee is not the House.

I think the member has gone as far as he can as a Liberal backbencher. He could go no further. He said the people in his riding have made him aware of their concerns. He said the people in his riding are of diverse backgrounds, and some are afraid of being targeted by the police.

I am picking up his remarks, because, under the circumstances, it is probably the best speech we have heard from the members opposite since the start of the debate on this matter. Unless I have misunderstood him, he is sure this bill will be challenged and for well founded reasons.

In the situation where I was faced with a bill I was pretty sure would be challenged by people in my riding, and for good reason, I would oppose it. I do not know whether the member for Scarborough East is listening, but in such a case I would oppose it. This is not what he seems to want to do. It is incredible to hear that. I do not doubt his sincerity and his honesty, but I have doubts about his sense of consequence.

**An hon. member:** His courage.

**Mr. Antoine Dubé:** If he has concerns and was not able, as he said, to convince the committee of the validity of his arguments, then there is only one thing left to do. We in the Bloc Québécois brought

forward amendments at committee after having voted in favour of the principle of the bill at second reading. However, since the amendments that we moved and that were important to us were not adopted by the majority, neither in committee nor here at report stage, as we will see during the vote, I suggest that he vote against the bill, or abstain. This is generally not viewed as a good thing, but if he is worried about the Prime Minister's reaction, I would invite him to consider the alternative.

He also stated that this bill allows for the use of less intrusive means in terms of people's privacy. He is referring to electronic surveillance. It is fairly intrusive. We are talking about wiretapping citizens based merely on the suspicion of the Attorney General of Canada, and not a judge.

We would love to believe in the minister's objectivity, as attorney general, but she is nevertheless an elected member from the Liberal Party. She is therefore not immune to certain attempts to influence her. I do not mean to question her motives, but personally, I do not feel any reassurance regarding the interpretation that a future attorney general might have regarding people in my riding who would have the same concerns and worries, and there are some.

• (1320)

Members of the House received numerous e-mails and phone calls and met with people who are concerned for all kinds of reasons, sometimes unjustified, but how are they to know this when it is left to the potentially very broad interpretation of the attorney general and those who advise her? We still do not know to whom this refers. It is not specified in the bills.

If a citizen is not satisfied with the interpretation made for these famous certificates for the so-called protection of secrets, he can go before a judge, where he might win after numerous legal proceedings and considerable legal costs, because we all know how much it costs to hire a lawyer or notary. There is one sitting right behind me. It could end up costing quite a bit for a citizen who is wrongfully accused.

However, I must say that while lawyers cost a lot, my colleague sitting behind me is the cheapest you will find. I will not advertise any more for the member for Chambly. Given the importance of this bill, I think that there has been enough humour as it is.

The hon. member over there admits, and I find some reassurance in the fact that there are some over there who admit it, that this clause of the bill is an unfortunate limitation of rights. He also says that no one on that side is happy dealing with this bill and would have preferred to deal with the budget, and so on.

As far as Motion No. 6 is concerned, as the hon. member for Berthier—Montcalm said yesterday, the amendments proposed by colleagues on this side of the House have a certain merit. However, limiting secrecy to 15 years instead of permanently, as before, has, since yesterday, since we started looking at the bill at the report stage, placed us in a situation where we have to deal only with the lesser of two evils. We have the hon. member speaking of the least intrusive means of infringing on people's private lives, while the opposition is trying to find the least bad approach. The best ones have not necessarily been looked at.

*Government Orders*

Between the least bad and the worst, we are going to vote in favour of the least bad. There will be a period of 15 years during which we will not know exactly what the situation is because these people will not be allowed to disclose.

As I said yesterday, the events of September 11 were terrible, but at the same time, this bill, as was confirmed this morning, would allow us to ratify two international treaties that have been stalled for years.

Prior to September 11, the attorney general was in no hurry to ratify international agreements on terrorism. After that date, she has taken a certain amount of time to examine the situation, but once she gets an idea in her head it is full steam ahead.

This morning what she told us was that other countries had moved faster on this than we have. What came across in her answer this morning was an issue of pride, of seeing who would be the fastest now. She has realized that we have not been as fast as certain other countries and she wants to be in the fast group.

We should take all the time required to examine a bill that violates the fundamental freedoms of individuals and to allow the public to express its views, but what is happening is the opposite. Once the steamroller gets going, time is limited to the minimum under the standing orders; not a minimum plus a quarter of an hour or plus two hours, but a strict minimum, because this is urgent. The Minister of Justice is in a hurry and that is how it is going to be.

The other day a member asked me a question about the organized crime legislation. This bill has already been passed. It took time, but in the end, the Bloc Quebecois and the other parties took a unanimous stand after some 160 deaths. But there have been no deaths from terrorism in Canada yet, and this has been dragging on for a long time. What else are we to make of it except that the minister's pride is involved?

• (1325)

[*English*]

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker, I would like to speak on Group No. 6, the motion specifically dealing with information and the designation of a certain class of individuals.

The motion should be rejected by the House for a number of reasons. As it is right now, a person would be permanently bound to secrecy if the person is a current or former member or employee of a scheduled entity or if designated by a deputy head and personally served with a notice to that effect. The criteria for designating a person to be permanently bound to secrecy is twofold: first, if the person has, has had or will have authorized access to "special operational information" and, second, if it is in the interests of national security to designate the person.

Also, new offences, in particular sections 13 and 14 of the Security of Information Act, create a special regime for those persons who have a privileged access to the most vital information, special operational information, and criminalizes on their part the unauthorized disclosure, or purported disclosure, of this narrow band of information going to the essence of Canada's national security.

As well, the security and intelligence community has certain operational requirements that need to be fostered and respected.

These operational requirements include an ability to ensure secrecy and project to others that they have the ability to protect the information entrusted to them.

While the person is designated for life, the character of the information may change. The definition of special operational information makes it clear that it is information the Government of Canada is taking measures to safeguard from disclosure.

The issue goes to the heart of what the bill is all about. The intent of the bill is to create a situation whereby we would have what we call a pre-emptive action in regard to a potentially destructive action by a group of terrorists whose main objective is to destroy our democracies, destroy our lives and disrupt the way in which we conduct our business.

Let us say, for example, that one of our law enforcement officers is authorized to seek information from a second or a third source and that officer is to give assurances and a clear commitment that the source of the information will not be disclosed. I am at a loss as to how we would turn around and say that we will protect the source of information and the individual or the entity that has given us the information but we will do so for only 15 years and then after that it is fair game, the information will become public.

Frankly, I would take the position that this amendment would render this whole section of the bill, and in fact the whole of the legislation, irrelevant. It would not really allow us to put into force what we are trying to do, that is, to create a preventive mechanism so we can ensure the safety of our citizens and others around us. In essence, while the intent might be good the result of it is absolutely counterproductive and fairly disruptive.

I ask members to consider that some of the operational work our officers get involved in is very sophisticated. Their work involves a whole range of things such as decoding information, looking at encrypted data being transmitted, the interception of information and so on.

• (1330)

Imagine for a moment if we were to say that whatever technique an individual officer or particular entity is using is going to be made public within 15 years. Frankly, that would not serve the public interest. It would not serve national security. Nor would it serve our law enforcement officers who are entrusted with the job of ensuring that our communities are safe and our nation is protected from those who have ill-conceived ideas and ideologies.

My submission is that as it is the bill goes a long way in creating a balance between what we call the public safety, the protection of information, and on the other side the respect for the individual and the privacy of the individual. At the same time it creates a situation whereby, notwithstanding anything, when we test it against Canadian values it will stand up and there will be no problem.

*Government Orders*

Even the Canadian Charter of Rights and Freedoms would mean nothing if the security of the nation as a whole were threatened. We have to ensure that we have a balance whereby we continue to respect the individual's rights to expression, to privacy, to the ability to move, to the ability to practise his or her religion, to the ability to associate. We also have to ensure that public safety and the will of the people have not been infringed on in a way that would create a situation where our democracy would be threatened. Once our democracy is threatened, notwithstanding any law, those laws will become irrelevant if our society is to be faced with a situation where the very heart of it, its *raison d'être*, is threatened.

All I am trying to do in a long-winded way is bring home the point that we have to ensure that our law enforcement officers have the necessary tools to conduct their jobs, to do their work in an effective and efficient manner. Having said that, we have to protect the information, the mechanisms, the entities and the identities of those who provide those special operations. We have to protect them forever if we are really sincere about trying to set up a system with the proper integrity.

We are not talking about any kind of information. We are talking about information that affects national security, that affects the national standards and affects the safety of Canadians. When there is a national risk to our safety, under those circumstances automatically those people may fall into this particular category. To turn around and say that we are going to have an open field and a free-for-all, I do not think that is going to be productive at all.

On the whole, the bill is balanced. The act will be reviewed on an ongoing basis. If and when it comes to the attention of the government that there are issues which need to be addressed, they will be addressed.

The best thing the House can do is pass the legislation as quickly and as efficiently as possible so it can move into the other house. Then we can make it a law and fulfill our commitment on the United Nations statements.

•(1335)

**Mr. Rick Casson (Lethbridge, Canadian Alliance):** Mr. Speaker, it is a pleasure to speak to the bill. It is unfortunate we are debating it under pressure and with the dark cloud of closure hanging over us.

Many of us never thought we would have to deal with this issue during this parliament or even during our lifetime, however, it is here and we have to deal with it and give it the best shot we can. Not being able to debate it fully and at length in this place in front of the Canadian public is wrong. To hurry it through and limit the amount of time each and every one of us has to speak to the bill is something which I hope Canadians will remember as being common practice for the government and when the time comes for reckoning, it will still be on their minds.

We do not take the bill lightly. A number of people came out to a recent town hall meeting in my riding of Lethbridge. This legislation was the topic of debate and of utmost concern in their minds. They want this terrorism legislation to be strong, fair and balanced but in the end, it must make Canadians not only feel safe and secure, but make them safe and secure here in Canada so they can go about their

lives in a fashion that is appreciated and cherished in a free democracy.

The aftermath of September 11 has reached into every aspect of our lives. As parliamentarians we travel a lot and are certainly aware of that by the things we have to go through now to get on and off a plane or any means of public transportation. This is going to become a reality in our lives. I personally do not mind people going through my bags as long as they go through everyone's bags so that when we do get on a plane, we feel safe and secure.

This issue is the number one concern among Canadians. Many people have concerns with the legislation. Some want to soften it and some want to make it harder. It is important to find the proper balance to make it right. Every opportunity should be given to people to put forward their ideas on what should be done to the bill.

There is the issue of the definition of terrorism. On TV we saw somebody breaking a window at a McDonalds here in Ottawa a couple of weeks ago. Is that terrorism? Is somebody who is demonstrating and carrying a placard letting his or her views be known terrorism? The definition is something that has caused great concern and needs to be looked at.

What is the critical balance we must find? There are opposing views on almost every piece of legislation dealt with in the House. We are always trying to reach the middle. We in the opposition have different views than the government but it is the mix and balance we are looking for. We sometimes have trouble getting our point across. We put forward amendments that we would like to see put into legislation but sometimes they are not. Usually we can come to some kind of agreement. There is a lot in the bill that we support but there is also a lot that we do not support and that is why we have to bring our views forward.

Today I am bringing forward some of the views of my constituents that I heard at the town hall meeting. I have written them down and I have let the ministers responsible know how our people feel. Some of those concerns have been addressed. Having our constituents' voices heard through us, their elected representatives, is what democracy is all about. That is why I am here and why I choose to represent the people of my riding, as did all of our members. Having our voices stifled by closure is not the way to do things.

Most Canadians put their trust in what the government is doing and what we are doing as parliamentarians. They do not pay a lot of attention to what is going on here on a daily basis because they feel that we must be doing the right thing.

•(1340)

Some of the people who pay more attention to what goes on in this place on a day to day basis are really concerned that some of the trust they put in us and the government is being compromised, or that we cannot fully voice our opinion and debate the issues at hand.

Something which we feel is needed in the legislation is a review mechanism. That is one of the items in the Canadian Alliance platform. All policies, programs and legislation need to be reviewed on a regular basis to make sure they are appropriate for what they were initially intended to do. To make sure that the legislation is current, it should be brought up on a regular rotating basis for review.



*Government Orders*

The amendment we put forward would require the attorney general and solicitor general to look at what this legislation does. How it applies in one year or down the road in two to four years is important. We have to make sure that it gets reviewed on a regular basis.

Also, the investigations that occur under the power of the bill are of concern to many people. To be able to go back after a period of time and look at it to make sure the investigative powers are not being abused is important for Canadians.

We have also called for an independent review of the ministerial certificates issued to prohibit disclosure of information. The amendment mandated that the certificates be reviewed by a judge of the Federal Court of Appeal. That is very important. That aspect of it has laid to rest some of the concerns I have heard about the legislation.

With regard to the protection for certain religious and political groups, in the aftermath of September 11 we saw some instances where an entire group of people was singled out. We cannot have that. The acts on September 11 were perpetrated by terrorists; they were not done by any large group of people. They were criminals and they have to be treated in that way. The people of like beliefs around the world are not part of that group. We have to make sure that certain religious groups and political groups have protection under the legislation. We are glad to see that was addressed.

One of the things we wanted to see in the bill was not put in the bill. It is one of the deficiencies of Bill C-36 and something we will continue to fight for as we go through the albeit somewhat shortened process. We will still put forward our ideas. It is the whole idea that the bill fails to eliminate the possibility of parole for people who perpetrate terrorist acts.

In looking at what happened in the United States, there was mass murder on a unknown scale and it happened in a lightning flash. We need to treat terrorists in a very special way. They should not be eligible for parole after 25 years. Consecutive sentences and keeping people who have the potential for that kind of destruction away from the general population need to be addressed.

The bill does not make it illegal to be a member of a recognized terrorist organization, one that has met the burden of proof set out in the bill to be included in the list of entities. While the minister assures us that it is the activity that is of consequence, we feel that joining a terrorist organization has only one purpose and that is to participate in and facilitate terrorist acts.

We have seen cases in Canada where organizations exist to help raise funds to sponsor terrorist organizations. I for one support the notion that President Bush has put forward in the United States, that if a person is involved actively in terrorist activities, if someone houses, feeds, or raises funds for terrorists or allows them to be involved in someone's area in any way, that puts the person into the same category as the terrorist who blows up buildings.

It is important that we address all of those issues. There are some things in the bill that we appreciate and some that still need to be worked on. We will continue to force that issue here in the House of Commons.

●(1345)

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, I rise in condemnation of this piece of legislation. The previous member of the Liberal Party who spoke made comments about the bill being balanced. Those types of comments originate from the south end of a northbound cow. They have no justification whatsoever. The reality is that if the bill does not get dropped immediately to be reworked and redone for the benefit of all Canadians, my fear is Canadians will wake up to something that they will regret for a long time.

There are 116,000 young Canadians who fought for freedom and democracy buried in over 60 countries around the world. They did not fight for a country to create legislation like this. This is a major overreaction to what happened on September 11.

If one looks at the way the government works with its economic policies, it is probably the cheapest way to deal with what happened on September 11. The budgets of our enforcement agencies, military and others have been drastically cut over the years on a continuous basis by the government. Now the government says there are huge loopholes in the system because of those cuts and terrorists may take advantage of them. It figures the only way to deal with it is to bring forth legislation that would take away the rights of many Canadians.

I am not a lawyer, but the last time I checked a person was innocent until proven guilty. The premise would now be that a person would be guilty before proven innocent. It is unbelievable.

In an era of government when everyone says we need to be more open and transparent my colleague from Pictou—Antigonish—Guysborough introduced motions to dispense with becoming even more secretive. Where is the openness and transparency in that? There is not one piece of evidence that this would protect Canadians or allow them to sleep better at night. I suspect Canadians would have great nightmares over this.

What about the visible minorities? We read over and over again in the media how individuals of Arab descent are looked upon with a jaundiced view because of their nationality. That is unacceptable. This type of legislation would create fear among visible minorities in the country and would do away with the hard work that has been done over many years of attempting to create equality and bring an end to racism.

The bill would create a strong racist notion in most people's minds because determination of whether or not they were guilty or innocent would be based on perception of who they are and what they look like. That is something that our party could never support.

We encourage the government to drop the bill, go back to the table, look at it again, and this time work with all members of society to bring forth a bill that would provide the security we are looking for and end terrorism once and for all.

*Government Orders*

•(1350)

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I listened with interest to the comments made by the hon. member for Sackville—Musquodoboit Valley—Eastern Shore. It strikes me that the New Democratic Party has not listened to Canadians on this issue in the same way it did not listen to Canadians on the issue of our military going to assist in Afghanistan.

The NDP claims to support the military. However it says the reason the military is going there is wrong. That is not supporting the military. It is undermining the confidence of military families and creating anxiety among those families which is uncalled for and inappropriate. It is time the NDP started to recognize that.

I wish to deal with the amendment before us at the moment which would add the following in clause 29:

In no such case shall a person be bound to secrecy for a period exceeding fifteen years, unless otherwise indicated by the deputy head.

Let us examine what the motion is really about. It is important to consider the kinds of secrets that are being considered and whether or not we ought to be allowing secrets of this kind to be opened up after 15 years. The motion would amend clause 29 which defines a "person permanently bound to secrecy" as:

(a) a current or former member or employee of a department, division, branch or office of the public service of Canada, or any of its parts, set out in the schedule; or

(b) a person who has been personally served with a notice issued under subsection 10(1) in respect of the person or who has been informed, in accordance with regulations made under subsection 11(2), of the issuance of such a notice in respect of the person.

That is all a bit confusing. What makes it clearer is the kind of person it is talking about when it defines special operational information. It talks about a person who has offered or agreed to be:

—a confidential source of information, intelligence or assistance to the Government of Canada.

That person might be inside or outside Canada. We cannot be confident or absolutely sure that the person would not be in danger 15 years hence if the information were disclosed that the person had been a source of information. It is not a reasonable assumption to make. The next one is secrecy in relation to:

(b) the nature or content of plans of the Government of Canada for military operations in respect of a potential, imminent or present armed conflict.

This is suggesting that it is not necessary to keep those things secret for more than 15 years. These are important kinds of matters. A terrorist could look at information of this sort that was used by the military in doing its planning and look at the intelligence it gathered to determine where that information came from.

It is not always only the person's name that is the key. Sometimes it is the fact that the military or the government has certain information and when that becomes apparent suddenly the person who gave it to the government is apparent to terrorists. It is a matter of great importance that the information be maintained and kept secret. The third part is:

(c) the means that the Government of Canada used, uses or intends to use, or is capable of using, to covertly collect or obtain, or to decipher, assess, analyze, process, handle, report, communicate or otherwise deal with information or intelligence, including any vulnerabilities or limitations of those means.

This is the kind of information that can make individuals vulnerable. The last thing the government wants is to place people in danger who have given information that is important to our security. That is what this clause would do.

•(1355)

We heard a lot today from the opposition parties about the time allocation motion and their anxiety and frustration with the so-called undue haste of the government. It strikes me as a bit hypocritical to hear this from opposition members because what we heard from them for weeks after September 11 was why the government had not moved more quickly. There was great anxiety and there were constant demands in the House for the government to move swiftly. For example, I refer members of the House to the *Debates* of October 16 when the hon. member for Provencher said:

The government has taken some important steps. Although we will be considering the provisions of the bill very carefully, it is imperative that the legislation move forward as quickly as possible. I therefore thank members of the House for the increase in the number of hours for debate to raise concerns and move the matter along.

A few weeks ago opposition members were talking about how important it was to stand shoulder to shoulder with our allies. Now they are telling us to slow down and not be in such a hurry. One minute they are telling us to go fast and the next to slow down. They ought to get their act together, get their messages clear and stop flip-flopping about what their view is on this matter.

Let us talk some more about how much debate there has been. Bill C-36 was introduced and read a first time on October 15, 2001. Second reading with extended hours took place on October 16, October 17 and October 18. In addition there were numerous opposition day debates on the same topic.

We had continuous demands from the opposition for the government to act after the events of September 11. We had debate about what the government response could be. We had all kinds of opportunities to express our views on how the government could respond to those events and what measures could come forward in relation to terrorist activities.

The government brought forward measures. We had those debates at second reading. They were referred to the House justice committee on October 18. That committee held hearings on October 18, October 23, October 24, October 25, October 30 and even on Halloween, October 31. It held hearings on November 1, November 5, November 6, November 7, November 8 and November 20.

The Senate was studying the bill as well. The special committee held pre-study hearings on October 22, October 23, October 24 and October 29.

We have heard from Canadians and from our colleagues in all parties. We are now moving forward as Canadians demanded and as members of the opposition demanded over and over in the House earlier this fall.

The real question is how should the government respond to the events of September 11? Do we go on as if nothing ever happened or changed? We heard a lot of comments around that time that the world suddenly became more dangerous on September 11. It is important for us to recognize that is not accurate because it did not become more dangerous that day.

We became aware of how dangerous the world was and what things could be done. We became aware of the terrorists who were in our midst and what impact they could have if we did not have measures to deal with terrorism, if we were not alert.

In spite of our best efforts we must admit that there may be times when things will happen, terrorist attacks may occur that we have not been able to foresee or prevent. I recommend to all colleagues that these amendments be rejected.

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## STATEMENTS BY MEMBERS

[English]

### RELIGIOUS ORGANIZATIONS

**Ms. Judy Sgro (York West, Lib.):** Mr. Speaker, I rise today to acknowledge the grand opening of a new place of worship in my riding of York West. On Sunday, November 18, the Prayer Palace Ministries opened a new church. It was my honour to attend its official dedication.

The Prayer Palace Ministries has an international and multicultural congregation that represents the diversity of Toronto. Its food bank feeds over 8,000 hungry families every year. It has an extensive focus on outreach for the homeless, youth, children and the victims of circumstance. Its focus on love and compassion serves the spiritual and humanitarian needs of our community. This place of worship will undoubtedly be a focal point in the community.

I ask members of the House to join with me to recognize the new Prayer Palace Ministries Church and to applaud its unity and leadership in this time of uncertainty.

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•(1400)

### HEALTH

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, last month the *New England Journal of Medicine* published a study. It concludes that the widespread practice of feeding animals with antibiotics to accelerate growth for profit poses a major health risk to humans.

According to the journal, retail meat is frequently infected with drug resistant bacteria resulting from the overuse of antibiotics for the purpose of stimulating growth. In response to the study the Canadian Food Inspection Agency suggests simply that Canadians thoroughly wash and cook meat. That is hardly an adequate response.

The health threat posed by the overuse of antibiotics would be reduced by limiting the use of antibiotics in animal feed only to cases when there is a need to fight a disease. I therefore urge the ministers

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of health and agriculture to deal with the overuse of antibiotics in animal feed and issue regulations which would protect public health.

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### VIC DE ZEN

**Ms. Albina Guarnieri (Mississauga East, Lib.):** Mr. Speaker, Canada was built by attracting skills, energy and talent from around the world with the promise of boundless opportunity and a quality of life that has no equal. One Canadian life history epitomizes the struggles and successes that are the Canadian dream for so many newcomers.

Vic De Zen, a tool and die maker, arrived in Canada in 1962 with little English, little money and few immediate prospects. Within 10 years he founded Royal Group Technologies, a company employing over 8,000 people that has made Canadians proud at home and abroad.

Vic De Zen has not only contributed to Canadian society. He has reached beyond the borders of his country to show how Canadian ingenuity can raise living standards and environmental conditions for struggling people in developing countries around the world who can now build secure futures from secure homes.

Vic De Zen's belief in Canada has brought this country esteem and gratitude from across the globe.

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### SASKATCHEWAN SCHOOL TRUSTEES

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance):** Mr. Speaker, as many members will know it was just a few years ago that I began an educational career and as I look back that career has given me a great deal of satisfaction.

I first served the public as a teacher, then as a principal and then as a director of education. I look back on those years very fondly. I finished my career with nine years with the Saskatchewan School Trustees Association and the last three years as a member of the executive, a very fine group indeed. That was the highlight of the short educational career that I had.

Today we have the new president of that association, John Nikoleginsin, and the executive director, Craig Melvin, with us. It is a real privilege to welcome them to the House. These people are the very salt of the earth; real, true proud prairie people who I am very proud to say are my very good friends.

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[Translation]

### NATIONAL AIDS AWARENESS WEEK

**Ms. Hélène Scherrer (Louis-Hébert, Lib.):** Mr. Speaker, it gives me pleasure to announce to the House that the week of November 25 to December 1, this week, is National AIDS Awareness Week.

*S. O. 31*

This year, we are marking a special anniversary, but we do not celebrate it. In 1981, the first case of what would be called AIDS was reported in North America. Twenty years have passed and the disease remains with us. Indeed, it is a global epidemic.

The time has come to consider what Canada has done to fight the epidemic and to find ways to expand the fight against this disease.

Progress has been made. Thanks to new treatments, Canadians who have the disease live much longer. However, the rate of infection remains high, as does the need for increased awareness and education.

During National AIDS Awareness Week, hundreds of people and communities are working to collect funds and develop public awareness.

I ask all my colleagues to wear a red ribbon in tribute to those who have died from the effects of this illness and to those who face it daily.

\* \* \*

### FÉDÉRATION DES TRAVAILLEURS ET TRAVAILLEUSES DU QUÉBEC

**Ms. Monique Guay (Laurentides, BQ):** Mr. Speaker, I wish to pay tribute to all the delegates of the Fédération des travailleurs et travailleuses du Québec, meeting this week in Quebec's national capital.

The FTQ's contribution to improving the working conditions and working life of workers and to advancing all of Quebec society is exceptional.

Once again, these people will deal head on with questions as basic as employment, giving globalization a human face or giving workers greater say over their collective savings in order to promote sustainable development.

I am satisfied that the delegates will show once again that a link may be forged between progressiveness and pragmatism, a well anchored tradition within Quebec's largest labour federation.

I wish them all a successful meeting and pass on the support and friendship of the Bloc Québécois.

\* \* \*

• (1405)

[English]

### THE BUDGET

**Mr. Paul Bonwick (Simcoe—Grey, Lib.):** Mr. Speaker, today I bring forward a message from the residents of Simcoe—Grey regarding the upcoming budget.

Our journey has been long and not without challenges. Canadians for generations to come will look back at our eight previous budgets and the direction laid out by the Liberal government with a sense of relief, relief at the fact that our government was able to reposition our economy from near certain economic ruin at the hands of the Conservatives to a country that is now recognized as a global leader.

The requests are that we continue to provide the necessary federal funding for health care, remain steadfast in our commitment to tax

reduction, provide the necessary funding to our military and security agencies to do their jobs properly, remain vigilant in our focus on debt reduction and not lose sight of our obligation to our environment.

Lastly I say that we must not give up the valuable ground we have gained by moving toward deficit financing. I ask the minister not to borrow from tomorrow's generation to pay for today's.

\* \* \*

### LEWISPORTE

**Mr. John Williams (St. Albert, Canadian Alliance):** Mr. Speaker, the events of September 11 may have torn a hole in our hearts but out of the tragedy comes a good news story that unites Canada and the United States.

The passengers of Delta Airlines Flight 15, one of many diverted to Gander, Newfoundland, were housed in nearby Lewisporte. The good people of Lewisporte acted immediately and took in their unanticipated guests without hesitation. Dental and medical services were provided free of charge and every passenger was cared for.

Those on board Delta Flight 15 were so moved by the generosity of the people of Lewisporte that one of the passengers is establishing a scholarship for the students in the town. Delta has agreed to contribute \$15,000 and \$35,000 has already been pledged by the passengers and others.

All Canadians can be proud of the people in Lewisporte, Newfoundland, who have demonstrated that they can be counted on in times of need. We thank them for the hospitality which they extended to our American friends.

\* \* \*

### HEALTH

**Mr. Steve Mahoney (Mississauga West, Lib.):** Mr. Speaker, yesterday Ontario's outgoing premier once again misled Ontarians by blaming the federal government for his own policies, but he left out a few important facts.

Last night the Prime Minister reminded him of what has actually happened. Last fall Premier Harris agreed to a health accord providing provinces with an additional \$21 billion in federal health funding over five years.

Moreover, Premier Harris seems to have forgotten the facts in his own provincial budget. It clearly states that of the \$1.2 billion in new health care spending, \$1.1 billion or 92% comes from the federal government.

It appears that Mr. Harris is blaming the federal government for his own decision to cut taxes at the expense of medicare, but the Prime Minister made it very clear last night by saying "Do not fool around with public medicare. The people of Ontario will not stand for it and this Liberal government will not stand for it".

### IMPAIRED DRIVING

**Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance):** Mr. Speaker, today Mothers Against Drunk Driving released a comprehensive review of federal impaired driving legislation and a checklist of policy initiatives that will help save lives and make Canadian roads safer.

MADD Canada's key proposal calls on the federal government to lower the blood alcohol content from 0.8% to 0.5%, a measure that will provide a strong deterrent to those who drink and drive.

The horrific crime of impaired driving kills about 1,700 people every year and injures over 45,000. Canada lags far behind other countries in getting tough on drunk drivers and serious changes are needed now.

I urge the government to act quickly on MADD Canada's proposals in order to save lives and make roads safer for Canadians.

\* \* \*

• (1410)

### AIRLINE INDUSTRY

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, Canada was built on the strength of an effective transportation strategy. That was our national dream: to defy the massive geography of this country and to link the regions together into one great nation.

John A. Macdonald's national dream has turned into a national nightmare for the 4,800 hard-working employees of Canada 3000. Those airline workers woke up to find they were the victims of the government's ambivalence and neglect toward this essential air transportation industry.

This afternoon union members from the Canadian Union of Public Employees, the Canadian Autoworkers Union and the IAMAW machinists are in front of this building demanding that the Government of Canada take action to restore health to the airline industry. More than that, these members want the government to take the kind of action necessary for them to get working again.

The government may be devoid of ideas but the workers in this industry are not. These workers and their unions have put together a concrete action plan that will put the airline industry back—

**The Speaker:** The hon. member for Verchères—Les-Patriotes.

\* \* \*

[Translation]

### THE ACADIANS

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, a little later today, the Liberals will show their true colours. Indeed, in all likelihood, the Liberal majority will oppose a motion seeking simply to acknowledge the historic facts surrounding the tragic episode of the Acadian deportation.

Some Liberal members have tried to justify the unjustifiable by saying that we would only rehash the past in vain instead of looking positively to the future, but Acadians wish to put these sad events behind them once and for all and fully live the present while looking resolutely toward the future.

*S. O. 31*

It was said that this motion seeks to bring us back on the warpath and that we are out for revenge, when in fact it seeks to establish the foundations for true reconciliation. It was said that its purpose is to rewrite history when it merely asks that history be acknowledged. It was said that it would reopen old wounds when it seeks to heal them.

If the House of Commons refuses to look at our past with serenity, who will do so? If this motion is rejected, it will be a new snub, which will only serve to keep feelings of distrust and bitterness alive.

Therefore, the House must adopt this motion. It is the only fair and honourable thing to do under the circumstances for Acadians and their history.

\* \* \*

### LIBERAL PARTY OF CANADA

**Mr. Gérard Binet (Frontenac—Mégantic, Lib.):** Mr. Speaker, one year ago today, Canadians gave a third consecutive mandate to the Liberal Party of Canada, thus expressing their satisfaction with our government.

During the past year, we worked hard to continue on the same path. We made changes to the employment insurance program, helped farmers, provided funding for the arts and culture, cut taxes, lowered the debt, hosted the summit of the Americas and launched initiatives to protect the environment.

I am particularly proud of the measures taken to fight terrorism through amendments to the Immigration Act, the anti-terrorism bill and the legislation on public security. We are on the right track. Our government rose to the challenge.

One year ago, Canadians reiterated their confidence in the Liberal Party of Canada. They were right to do so. Our party is the one that is in the best position to see to their interests.

Once again, I thank the residents of Frontenac—Mégantic for putting their trust in me.

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[English]

### IMPAIRED DRIVING

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR):** Mr. Speaker, the latest Mothers Against Drunk Driving Canada initiative entitled "Taking Back Our Roads" includes a checklist of legislative changes needed to combat the dangerous criminal problem of drunk driving.

The checklist includes lowering the BAC limit to .05, enhancing police enforcement powers such as the use of passive alcohol sensors, demanding breath and blood samples from any driver involved in a crash causing personal injury or death and taking blood samples when an impaired driver is injured in a crash.

### Oral Questions

MADD also is calling for the elimination of conditional sentences for impaired driving causing bodily harm, the expansion of the use of ignition interlock programs for all offenders, the creation of a victim's policy office and a mandatory parliamentary review of impaired driving legislation every five years.

Impaired driving in Canada kills almost five people every day. The PC/DR Coalition supports Louise Knox and MADD Canada in their efforts to eliminate the scourge and carnage on Canadian highways caused by drunk driving. We join with MADD Canada in calling on the government to act decisively to eliminate drunk driving in Canada.

\* \* \*

[Translation]

### FIRE PREVENTION

**Ms. Diane St-Jacques (Shefford, Lib.):** Mr. Speaker, National Home Fire Safety Week continues until November 30.

During this week, the Canada Safety Council draws the public's attention to the importance of safety measures to prevent fires in the home.

As the holiday season approaches, I urge all Canadians to be vigilant.

Whether choosing a Christmas tree, lighting and decorations, or leaving a fire burning in the hearth or a dish simmering on the stove, take care.

A fire can start and spread very quickly.

This week, I ask Canadians to make a point of checking the batteries in their smoke detectors, sit down with family and plan an escape route from the house, and find out what precautions you can take to set their minds at rest. The holiday season is a time for rejoicing, for celebrating and for getting together with family and friends. We do not want to see our festive spirits go up in smoke.

\* \* \*

• (1415)

[English]

### CANADIAN FORCES

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, last week I received a letter from Shirley Pachal of Saltcoats, Saskatchewan. She writes:

Mr. Prime Minister, I have two wonderful sons who are members of our Armed Forces—one is with the Princess Patricia's Canadian Light Infantry, the other with the Royal Canadian Regiment and they are very precious to me.

My sons are honourable, brave and courageous. They are the kind of men that Canada should be proud to call their own.

My sons have gone through rigorous and gruelling training and have worked hard and are committed to their jobs. They are prepared to stand up and defend all that is considered to be good and right.

They are prepared to put their lives on the line to defend their beliefs, families and Country.

I wish to say only one thing to you Mr. Prime Minister and to those who support you—Your actions, inactions and your lack of leadership have been nothing less than degrading and demoralizing to my sons as well as all Canadian troops. You have shown a lack of faith and confidence in courageous, hard working men and women of our Military. You have struck them with a crippling blow to their hearts and—

**The Speaker:** Order, please. The hon. member must remember that he must address his remarks to the Chair.

## ORAL QUESTION PERIOD

[English]

### ANTI-TERRORISM LEGISLATION

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, imagine any of the leaders of the 50 terrorist organizations that are known to be operating in Canada advising their fugitive agents where to hide. They would look at the tough laws in the United Kingdom, the United States and western Europe, they would read Bill C-36 and they would say "Come to Canada. You can still get in without documents, you can still be a member of your terrorist organization, you will probably never be extradited and you can mass-murder Canadians and still apply for parole".

Why will the Liberals not finish the job with Bill C-36 and slam the door on terrorists trying to hide in Canada?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I guess that member is in deep trouble somewhere to talk like that, as if it is a disaster. It is a bill that has been studied by the House of Commons, by all the members of parliament. They have listened to the Senate. They have listened to witnesses for days and weeks, for many hours, with amendments and so on. The wishes of Canadians have been represented by the members of the House.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, I defy the Prime Minister to find one Canadian who would support the things that I just listed.

[Translation]

Not only has the government gagged the opposition on the anti-terrorist bill and rejected the amendments we have put forward, but it has done nothing to resolve the problem of bogus refugees.

Will the Prime Minister introduce effective legislation so that those arriving in Canada without identification can be detained and any bogus criminal refugee who represents a risk to our safety can be deported?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we have just passed a new immigration act. It was studied for weeks on end by the House of Commons, and by House and Senate committees. It was passed and will help us to do something about the problem of bogus refugees.

We have introduced Bill C-36, which will be passed very soon by the House of Commons, and we have another bill before the House.

Naturally, with the problems mentioned, we want to combat terrorism but, at the same time, we must preserve Canadian values.

[English]

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, how about preserving safety and security? That is a Canadian value.

Here is an amazing quote from the minister of immigration. She said about the false refugee claimants that “we need to know who people are, where they are”. What an amazing statement. She is almost ready to join our side with that kind of revelation.

Her department is now frantically reviewing 35,000 files of people it fears it has improperly let into the country. Now will she admit that she must send a clear signal, very clearly saying people will be detained and possibly deported if they are suspect, if they do not have documents and if they are—

**The Speaker:** The hon. Minister of Citizenship and Immigration.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, that is exactly what we have been saying and what Bill C-11 says. In fact the existing immigration law gives my officials that authority, wherever they have concerns as to identity, if they are concerned the individual poses any kind of a security risk or criminality risk to Canada or if they are concerned that an individual is not going to show up for his or her hearing. We can and we do detain.

Further, let me tell the leader of the official opposition that an editorial in the *National Post* states that “Bill C-11 gives immigration officials the authority to deny suspected terrorists access to our refugee system”. That is—

• (1420)

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

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, the anti-terrorist legislation demonstrates the failure of the Liberal government to take appropriate steps to keep terrorists out of Canada and to extradite them as quickly as possible once they are here. The years come and go, but the terrorists always remain.

Why has the government failed to bring forward the legislation needed to ensure that terrorists are extradited promptly?

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, let me reassure the House that in fact, now some two years ago, we introduced sweeping reforms to our extradition legislation. In fact, that legislation was drafted only after detailed consultation with our allies, including the United States of America. We have some of the most modern, most efficient, most effective extradition laws in the world.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, the broom obviously swept the wrong way because they are all here. The Prime Minister has repeatedly embarrassed Canadians and members of our armed forces by failing to provide them with the necessary tools to do their—

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

**The Speaker:** Order, please. It is impossible to hear the hon. member. The questions and answers are important in the House and the Speaker has to be able to hear them both in case somebody says something out of order or unparliamentary.

The hon. member for Provencher has the floor. I know it is unlikely that he will breach the rules.

**Mr. Vic Toews:** Mr. Speaker, the Prime Minister has repeatedly embarrassed Canadians and members of our armed forces by failing to provide them with the necessary tools to do their international

duties. He has failed to provide our police and security forces with the necessary tools to do their domestic duties. If the government is not prepared to give them the legislative tools, will he give them the resources they need?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I am sure my hon. colleague is well aware that the government gave a large amount of resources to the RCMP, included in, since the last budget, just under \$2 billion for public safety.

There is also all the technology that is required, with CPIC and many other instruments used by police in this country the envy of police forces around the world.

\* \* \*

[*Translation*]

#### PUBLIC SAFETY ACT

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday the Minister of National Defence made the statement that the military zones created by the public safety act will be used only to protect military property, such as military aircraft at a commercial airport.

From a reading of the bill, however, it is obvious that the military security zones could be far broader than the government is letting on.

Will the Prime Minister admit that with such a law, the Minister of National Defence could make the entire national capital region a military security zone?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we have a bill before the House. The hon. member is looking for trouble where there is none. I am convinced that the government's intention is not to do what he says could be done.

The solution is to go before the committee, where the hon. members will look at the problem—

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

**Right Hon. Jean Chrétien:** Yes, and they will make recommendations. We have already accepted some and will accept others. There must, however, be no exaggerated attempts at scare tactics, such as the hon. member is attempting to engage in at this time.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, it is not a question of scare tactics. A bill is not judged on its intentions, but on its content.

It is clear in this bill that the Minister of National Defence can, if he sees fit, declare a zone as a military security zone for international relations, defence or national security. This could, for instance, be the case during a G-20 meeting for the entire national capital region. The City of Gatineau is part of that region and is part of the territory of Quebec.

Does this mean that the Minister of defence could order that the army be sent to Gatineau without even asking the government of Quebec to request its deployment to Gatineau? Is that what this means?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, scare tactics again. Anyway, Gatineau is in Canada, like Ottawa is.

*Oral Questions*

The security of all citizens is important, both those in Quebec and those in the rest of Canada. We are all citizens of the same country and entitled to the same protection by the central government of this country.

• (1425)

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, there is absolutely nothing in Bill C-42 that would limit the size of a military security zone, and the Prime Minister has just confirmed this for us.

Could the Prime Minister indicate where in the bill it states that a military security zone could not cover the entire area of Toronto, for example, or the Montreal urban community or the whole of Quebec? Where in the bill is this written?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, I think there is a great amount of exaggeration going on in these kinds of questions. It says quite clearly in the draft legislation that "the Minister shall ensure that its dimensions are not greater than is reasonably necessary to ensure...safety and security".

We are talking about military equipment, as they have said, by and large, and that kind of thing. The kinds of powers that exist here already exist in law. The police have these kinds of authorities but in a case of military equipment and property that may be off a base, it would give the minister of defence that same authority. There are no additional powers.

[Translation]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, we have not exaggerated anything at all and I challenge the minister to show me where in the bill it shows that we are exaggerating.

Given the powers granted to the minister in Bill C-42, combined with the powers in the anti-terrorism bill, is the government not in the process of acquiring powers that, curiously, are starting to look much like the powers that were exerted over Quebec City in the 1970s?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Absolutely not, Mr. Speaker. Again, as I pointed out, in this time where there are concerns about terrorist activities, if there is military equipment that is off a military base, such as a ship visiting in one of our harbours or aircraft that may be visiting, this provides, on the recommendation of the chief of defence staff to the minister of defence, for a cordoning off of an area, a minimal area necessary for security of that environment so that we can make sure there is the kind of protection Canadians would expect us to provide.

\* \* \*

**SCIENCE AND TECHNOLOGY**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, my question is for the Prime Minister.

Scientific developments have put the issue of human cloning squarely on the front burner.

New Democrats support stem cell research, but we strenuously oppose this research being in the grip of corporate interests that are

already demanding patents to profit from the very building blocks of life.

Does the Prime Minister oppose the commercialization of the creation of life itself, and if so, will he move quickly and decisively to introduce legislation to that effect?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the leader of the NDP should know that there is a bill that is in front of a committee at this time. All the views of members of her party and the other parties will be expressed there. I hope that they will make a recommendation to the government on the bill quickly so that we will be in a position to proceed in the House of Commons with the legislation that is already in front of a House of Commons committee.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, there is no legislation before the House of Commons. There is a draft proposal before the health committee, eight years after legislation was promised.

There are at least 16 patent applications currently before the Canadian patent office, mainly from American biotech firms.

The government is already presiding over the commercialization of health care. The government is already in the pockets of the multinational drug companies.

Is the Prime Minister ready to literally sell off our birthright to the government's corporate backers?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** It looks like the member had a tough weekend, Mr. Speaker, and she is moving to the left now but there is a big division there.

The hon. member can go in front of the committee and there will be one NDP member to say something and there will be another one to say something else.

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**PUBLIC SAFETY ACT**

**Right Hon. Joe Clark (Calgary Centre, PC/DR):** That is another cheap shot, Mr. Speaker. The Prime Minister today cut off debate on amendments to protect citizens against a power grab by ministers.

His new bill, Bill C-42, gives the government even broader powers over citizens. Ministers unilaterally can declare an emergency, they can define the emergency and they can take emergency measures. The orders do not have to be approved by cabinet for 90 days. They do not have to be publicized for another 23 days.

Is the Prime Minister going to use closure and time allocation to shut down debate on this new bill too?

• (1430)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, Bill C-36 has been in front of the House for days. There were 60 hours in committee. Dozens of witnesses appeared in front of the committee. We have come now to pass the bill.



I remember that the same people a few months ago were telling us that we were not going fast enough. Now there is a new flip-flop. The member tells us now that we are going too fast. He should make up his mind.

**Right Hon. Joe Clark (Calgary Centre, PC/DR):** Mr. Speaker, the Prime Minister does not even know what bill we are talking about.

[Translation]

My question now concerns clause 38 of the bill on which the government today decided to end debate.

Clause 38 allows the attorney general to prohibit a witness from disclosing information to a parliamentary committee. It gags parliament. The prohibition can last up to 15 years.

Why is the government thus limiting parliament's most fundamental right?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the hon. member should calm down a little on this bill. The bill is before the House of Commons. It will go before a committee; he will be able to make full representation there. It need not die today.

He still has a lot of time before him to analyze the bill and realize we have a problem with terrorism. We have decided to take action. Now, they do not want us to do anything any more.

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[English]

### TERRORISM

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, United States president George Bush has made it very clear that the next step in the war on terrorism must be to enforce United Nations resolutions allowing weapons inspectors into Iraq.

As one political leader said when Iraq barred weapons inspectors in 1998, "...Saddam's behaviour to date indicates that he will not honour diplomatic solutions so long as they are not accompanied by a threat of intervention".

Will the Prime Minister support in a material way a multinational intervention in Iraq?

**Hon. John Manley (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I think the hon. member would agree with me that the imposition of sanctions against Iraq and the obligation to allow international inspection were both based upon UN security council resolutions.

Canada's position is that if any military intervention were to occur in Iraq it should also be based upon UN security council resolutions.

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Interestingly, Mr. Speaker, the political leader I just quoted was the Prime Minister.

In February 1998 he told the House "...Canada cannot stand on the sidelines..." Our armed forces would support, in a material way, the actions of this multilateral initiative. He went on to say "...a military strike against Iraq would be justified to secure compliance with... security council resolutions".

### Oral Questions

Iraq still has not complied with these United Nations resolutions. Will the Prime Minister stand by his words or has he changed his position again?

**Hon. John Manley (Minister of Foreign Affairs, Lib.):** Mr. Speaker, it is not that complicated. In fact the UN has authorized sanctions in order to enforce the inspection provisions of its resolutions. It has not yet sanctioned any kind of military strike. If and when it does, then we will consider that accordingly.

\* \* \*

[Translation]

### PUBLIC SAFETY

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, yesterday, the Prime Minister told us that Bill C-42 on public safety was needed to enable the government to act quickly.

We would be interested in hearing from the Prime Minister just what this bill would allow him to do now that he could not do last September.

Our interpretation is that nothing prevented him from taking action in September and that existing legislation is sufficient. If we are mistaken, let him give us one example of his being prevented from acting in September.

[English]

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, as the hon. member knows Bill C-42 does allow for regulations to be made in urgent situations, with all the normal parliamentary and legal safeguards.

I think the hon. member is reading too much into the bill. I think Canadians want a government to act firmly and decisively when there is an urgent problem, as we had on September 11, and not debate the semantics.

• (1435)

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, the government does not want to respond. I will tell it what it could not do before and what it will be able to do after Bill C-42 is passed.

I challenge the minister of defence to deny that one of the powers accorded by Bill C-42 is to establish military security zones throughout a province, to thus have the army intervene on the basis of its judgment alone and without the express request by the provincial attorney general. Can the minister say this is not so?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, I think the hon. member is mixing up two provisions.

*Oral Questions*

In terms of the military security zone, as I have said before, it is intended to protect the assets of the Canadian forces and our allies. Look at what happened to the USS *Cole*. It did not have proper protection and was attacked by terrorists. We certainly do not want that kind of thing to happen here and, certainly post-September 11, that is an area of concern. There could only be a reasonable cordoning off of an area to protect these kinds of assets. That is all the provision of this particular portion of the legislation is about.

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**SCIENCE AND TECHNOLOGY**

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, the cloning of a human embryo in the United States only highlights the lack of legislation in Canada. The government has been dragging its feet on this issue since the royal commission in 1993. It allowed Bill C-47 to die on the order paper. What do we get in the current legislation? More delay.

Will the minister commit today to an immediate ban on human cloning?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the member, who serves on the health committee of the House, is fully aware that six months ago I put in front of that committee comprehensive legislation dealing with all those matters and asked him and his colleagues to study it, to look at practices in other countries, to listen to witnesses and to give us their best advice on whether it was the way we should proceed. It included a ban on cloning, plain and simple. That was to show respect for the parliamentary process, for the committee and for the member. Is he not up to the task?

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, perhaps the minister should poll the committee to see where it stands on the issue. The opposition has been warning the government for three months about the need for this legislation and all we get are more delays. The government can ram through its contentious anti-terrorist bill but it refuses to deal with legislation that every one of us agrees on.

Will the minister take this window of opportunity and ban human cloning now?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, will the member take this opportunity to do what committees are supposed to do, which is to study the legislation and come back with recommendations?

We have just heard from the NDP that it has an idea about commercialization. We have heard from other parties about their perspectives. This is not a partisan matter. It is a policy matter. I would ask the committee, including the member, to do their homework, come back with recommendations and then the government will act. I hope the committee does that soon so legislation can be put before the House.

\* \* \*

[Translation]

**PUBLIC SAFETY ACT**

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, yesterday, in responding to our concerns on Bill C-42,

the Prime Minister said that it would still be possible to go to court. However, that is not the case for military security zones.

Will the Minister of National Defence recognize that one of the things that he could not do before but that Bill C-42 will allow him to do is to not only suspend the rights of citizens, but also to take away their right to sue the government for damages, losses or injuries?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, the hon. member should read proposed subclause 260.1(10), which states:

Any person who suffers loss, damage or injury by reason of the exercise of any of the powers conferred by this section shall be compensated from the Consolidated Revenue Fund.

[Translation]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I urge the minister to read proposed subclause 260.1(9) of the bill, which says exactly the opposite. If the minister cannot read, that is not my problem.

Will the minister recognize that this suspension of rights can last for up to a year and could be renewed for an additional year? Can the minister still maintain that this act will not change anything in Canada?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, there will be every opportunity to talk about the different sections and how one compares to another in the deliberations on this bill, particularly in committee.

However, I can tell the hon. member that there is no suspension of the charter of rights and there are no powers other than the ones that already exist. This is a reasonable request for a reasonable application of protection of property at a time when there are concerns about the security environment in our country and in our world.

\* \* \*

● (1440)

**HEALTH CARE**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, last night the Prime Minister took hypocrisy to new heights by posing as the defender of health care. The truth is that under his watch the Liberal government drastically cut health care support. In fact the federal contribution to Canada's health system today is less than when he became Prime Minister in 1993.

Why does the Prime Minister ignore this terrible record and blame others for trying to fix the mess he created?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the member is completely wrong. Transfers to the provinces are higher today than they have ever been in the past.

What the Prime Minister said last night was that it was outrageous for Mike Harris to blame anyone but himself for the problems with health care in Ontario. He is a man who has put it beyond his own power to meet the health needs of the province by cutting taxes to the point where he does not have the money to do his job. It is his fault. He should blame nobody but himself.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, this member is completely right. There is less federal cash for health care today than when the Liberals took office, and that is a fact. That does not even factor in population growth, inflation, an aging population and the exploding cost of new drugs and technology. None of that is factored in and the Liberals are still supporting health care less than when they took office. Instead of addressing this desperate situation, all the Prime Minister does is take cheap partisan shots.

When will the government be part of the solution?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, I am afraid ideology just met mathematics and she cannot make it add up. She is wrong.

The fact is that transfers to the provinces have never been higher than they are today. I will give the House an example. Since 1999 we have increased transfers to the provinces by \$35 billion, all of it available for health. By the way, we also gave \$1 billion for medical equipment and Ontario received almost \$400 million of it.

We have repeatedly asked the Ontario government to tell us whether it cut taxes, paved roads or bought equipment with that money but it will not tell us. It should be accountable to Ontario taxpayers. It is Ontario's fault.

\* \* \*

#### INTERNATIONAL TRADE

**Mr. Walt Lastewka (St. Catharines, Lib.):** Mr. Speaker, last week the Minister for International Trade announced the launch of bilateral free trade negotiations with El Salvador, Guatemala, Honduras and Nicaragua. Could the minister's parliamentary secretary explain what Canadians can expect from new bilateral agreements with these countries?

**Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.):** Mr. Speaker, last Thursday the Minister for International Trade and his counterparts from El Salvador, Guatemala, Nicaragua and Honduras announced the launch of free trade talks. This agreement would give our exporters advantaged access to the important central American market. It would also help us to further our foreign policy objectives in the region of the alleviation of poverty, promotion of peace and democracy, and economic stability and growth. These are very important talks. We look forward to a successful resolution of these talks.

\* \* \*

#### PUBLIC TRANSPORTATION

**Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP):** Mr. Speaker, my question is for the Minister of Finance.

Public transit in this country is facing a serious funding crisis. We are the only country in the G-8 where the national government does not help fund urban transit. Vancouver transit is now increasing its

fares and Toronto transit will face a \$22 million shortfall in the next year.

Investment in public transport will reduce smog, improve health and create jobs in this country. Will the Minister of Finance respond to this growing crisis and provide sufficient funding for public transport in his budget in order to meeting our commitments to the Kyoto agreement?

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, through the infrastructure program there have been three of them in the mandate of this government. It has been quite possible for municipalities to apply those funds to municipal transit.

I might remind the hon. member that constitutionally the federal government has never had responsibility for municipal transit in this country but it was this government in the red book and in the throne speech that said it would work with provinces and municipalities to assist with public transit. That is something that is underway. The member for York West is chairing a task force for the Prime Minister on this. I think in the next year members will see the fruit of our labours.

\* \* \*

● (1445)

#### AIRLINE INDUSTRY

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, on November 9, 4,800 Canada 3000 employees came to work to find they had no jobs. As we speak hundreds of these employees are outside the House of Commons demanding positive, concrete steps to bring some sense of order to Canada's airline industry.

In the absence of any ideas coming from the government benches, will the Minister of Transport at least assure these workers that the government will implement the workforce stabilization proposal put forward by the airline unions and the Canadian Labour Congress?

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, what happened to Canada 3000 it is indeed regrettable. The bankruptcy was something that no one wanted. In fact it was this government that offered \$75 million by way of loan guarantees.

However, before we dispensed with the taxpayers' money, we wanted to make sure there was a viable business plan so that money would not just disappear and Canada 3000 would not come back six months into the future and ask for another \$75 million.

All those things were analyzed and unfortunately Canada 3000 could not put forward a business plan to bring profitability to that particular airline.

*Oral Questions***ANTI-TERRORISM LEGISLATION**

**Mr. Chuck Strahl (Fraser Valley, PC/DR):** Mr. Speaker, there are many legitimate concerns about the anti-terrorist legislation. The Canadian Civil Liberties Association warns that it puts too much power in the hands of the cabinet. The Canadian bar is concerned about compromising Canadian civil rights and numerous groups of Islamic faith share that concern.

Now the deputy information commissioner warns that the government's amendments threaten the rights of Canadians even more than the original flawed bill itself.

Why is it, when everyone agrees this is one of the most significant bills to hit parliament in years, the government has moved to shut down debate after only three hours of time here in the House of Commons?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, there have been many hours of debate on the bill in the House of Commons. There have been many hours of committee study. Many witnesses have been heard from outside the government. The government responded fully with far-reaching amendments which have been praised.

The House is not only for debate, it is also for decision. If we want to protect Canadians now and in the future it is time we took a decision and it is time the hon. member backed that decision.

\* \* \*

**FISHERIES AND OCEANS**

**Mr. Bill Casey (Cumberland—Colchester, PC/DR):** Mr. Speaker, only four days after the elected officials of the municipality of Cumberland accepted a clear, written offer by the Department of Fisheries and Oceans to divest the Two Rivers port to the county, DFO broke the deal with the county and announced it was giving the port to the Millbrook band, 150 kilometres away. While the municipality was dealing in good faith, DFO and Millbrook were striking a secret deal to give the port to the natives.

Will the minister reverse this disgraceful and underhanded deal and start the process all over again in an honourable way?

**Hon. Herb Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I am not aware of the details of that particular wharf. Of course I am always looking for new money for wharves. There is always a big demand. I am sure the finance minister will look into that in his budget because there is always a demand.

In regard to this particular situation, as the hon. member knows, there was a fire at that Two Rivers wharf and this obviously complicated the situation.

I want to assure the hon. member that no final decision has been made. His representation will be taken seriously and I will review the matter closely.

\* \* \*

**JUSTICE**

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, we have learned from sources that as a result of public outrage, pressure put on by the official opposition and a *Sun* media exposé of his extensive criminal record and violent behaviour, cop

killer, Clinton Suzack, has now been moved from club med, the resort of all penitentiaries, to a medium security facility.

Could the solicitor general confirm whether this is true? Has Suzack been moved into a medium security penitentiary?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, the individual has been transferred from one medium institution to another medium institution.

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, we have been standing in the House for three or four days begging the government to do it and it said there was no need to do it because he was in the proper place. I thank him for at least doing that.

His criminal record is long: six counts of assault causing bodily harm, one count of aggravated assault, eight convictions for assault, all committed prior to the brutal murder of Joe MacDonald, the on duty constable. He was on the run when he killed the cop. Obviously he is a dangerous offender.

Will he immediately put him in a max—

● (1450)

**The Speaker:** The hon. solicitor general.

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as I said before, we have thousands of offenders across the country. We have one of the best if not the best correctional services in the world. When individuals commit a crime they are assessed and put in an institution. First, there is punishment and, second, there is rehabilitation.

What the government wants to make sure of is that we keep our communities and streets safe, and we will do that.

\* \* \*

[Translation]

**PUBLIC SAFETY ACT**

**Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, Bill C-42 gives the Minister of National Defence, on the recommendation of his chief of staff, the sole right to order military security zones.

How can the Prime Minister justify having one individual, based solely on his own judgment, being able to decide on such important measures?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, these provisions already exist in law as was the case during the conference in Quebec City and on many other occasions where police needed to cordon off the areas for security reasons.

*Oral Questions*

This just brings the military in when it involves military matters, such as equipment of our Canadian forces, or an allied country that may be on an airport tarmac in the country or on a ship that may be in harbour. It is to provide protection and security in the kind of environment that exists today.

[Translation]

**Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, how can this government justify ramming through legislation that grants to one single minister the power to designate an entire province as a military security zone for up to two years?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, this is really getting exaggerated and distorted.

Hon. members will have every opportunity in committee to discuss the detailed aspects of this. These are not new powers. These are reasonable security measures that are being proposed. It does not change the rights of anybody under the charter of rights and freedoms. They can be debated further at committee, and I invite the hon. members to do exactly that.

\* \* \*

**TERRORISM**

**Mr. Jason Kenney (Calgary Southeast, Canadian Alliance):** Mr. Speaker, today I was joined by representatives of the Canadian Sri Lankan community who want to know why the government still has not listed FACT as a terrorist fundraising front for the Tamil tigers.

Thousands of Canadians have been victimized, both directly and indirectly, by tiger terrorism. According to CSIS, members of the Sri Lankan émigré community here are frequently bullied and threatened by tiger representatives.

When will the government stop giving the finance minister political cover on this issue at the expense of Canadian immigrants from Sri Lanka and when will it list FACT as a terrorist front for the tigers?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as appetizing as it might be, I will not comment on individual groups or individuals. My hon. colleague is well aware that there is a process in place to freeze assets. This is done after looking at all the facts, clearly and rationally, and we will continue to follow the process.

**Mr. Jason Kenney (Calgary Southeast, Canadian Alliance):** Mr. Speaker, this is becoming a scandal. It is unbelievable when he says he cannot comment on individual groups.

The Canadian high commissioner to Sri Lanka commented on this individual group, warning these ministers that it was linked to the tigers. The Minister of Justice, on behalf of the Minister of Citizenship and Immigration, commented on this specific group saying that it was a front for the tigers. The U.S. state department has done the same thing and so has the government of Sri Lanka. They have all commented on this individual group.

Why has it been excluded from the list of terrorist front organizations? Does it have anything to do with the finance minister's political support for this group?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the puffed up indignation of my hon. friend must be designed to give "political cover", to use his term, to Mike Harris who sent a letter of good wishes to the cultural event attended by the Minister of Finance, which was also attended by the then editor of the *Toronto Sun* which was raised as a source dignified and worthy of praise by another Reform member.

The hon. member ought to withdraw his innuendos and support our efforts, which are to fight terrorism in a meaningful way in this country.

\* \* \*

**THE ENVIRONMENT**

**Mr. Lawrence O'Brien (Labrador, Lib.):** Mr. Speaker, in November 1995 Canada joined 108 other countries in adopting the global program of action for protection of the marine environment from land based activities, which recognized the need for concerted actions by every coastal state to protect the marine environment from the negative impacts of land based pollution.

Could the Minister of Fisheries and Oceans report to the House on the progress of meetings of the United Nations environment program being held in Montreal this week?

• (1455)

**Hon. Herb Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I had the honour of being in Montreal to open the conference on the global program of action on how we deal with land based activities that cause pollution in our waters. This is something that came out of Rio.

Canada is working very hard to make sure that we play our part. We have three oceans that touch our country. Protecting our oceans is a priority. We will be there fully supporting the conference. A hundred countries have come together to see how, as a global community, we can do a better job of protecting our oceans and marine environment.

\* \* \*

**IMMIGRATION**

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Mr. Speaker, the immigration minister claims to have powers to detain people where there is a concern about status in Canada. The United States has detained about 1,000 people since September 11, but Washington routinely keeps the public in the loop about what it is doing. Getting the same information in Canada seems to happen only by accident.

How many people has the immigration minister detained? Give us a number. Canadians have a right to know.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I can tell the member that last year there were 136,000 detention days; that is individuals in detention in Canada. I can also tell him that the number varies as far as the actual number in detention on any given day. The latest number that I can share with him is that as recently as yesterday, I believe, 467 people were in detention in Canada.

*Government Orders*

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Mr. Speaker, arrests and detentions are not private acts. We need to get off on the right foot on the basis that the government is going to have new sweeping powers to detain, with lower public scrutiny. The minister claims that people will not be held on just whispers and innuendo, so her accounting should have real substance.

When is the immigration minister going to establish regular reporting of both numbers and types who are being detained under her ministerial authority?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, for the current fiscal year, I can tell the member that 9,138 individuals were detained in Canada, accounting, as I said, for approximately 136,000 days in detention.

As a member of the immigration committee, he knows that he is welcome at any time to request information from the department, and we are always very forthcoming about answering their questions.

\* \* \*

[Translation]

**AIRLINE INDUSTRY**

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ):** Mr. Speaker, Canada 3000 employees are in Ottawa today to demonstrate their dissatisfaction.

These workers are demanding real measures to stabilize the airline industry. According to the trustee in bankruptcy, who would prefer to see the assets sold off individually, resumption of Canada 3000's activities is no longer a desirable option.

Will the transport minister finally recognize that there is a pressing need to act, and will he commit to offering a loan guarantee to buyers of part of Canada 3000's assets?

[English]

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, when we offered the loan guarantee of \$75 million to Canada 3000, it was done on the belief that it was bridge financing to allow Canada 3000 over a difficult patch, so it could get to revenues that were locked up by virtue of the various tour and charter regulations under the provincial and federal governments.

That loan guarantee for Canada 3000, which could have been accessed by some of the other larger carriers covering 95% of the market, was there for that specific purpose. It is not our intention to extend that program to new entrants into the field.

\* \* \*

**MULTICULTURALISM**

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, could the Secretary of State for Multiculturalism tell the House what she is doing to ensure that Canadian children who are using the Internet for educational purposes are not subject to messages of hate subculture and extremist organizations.

**Hon. Hedy Fry (Secretary of State (Multiculturalism) (Status of Women), Lib.):** Mr. Speaker, as secretary of state, I have been coordinating round tables with the Department of Justice, the Solicitor

General of Canada, Industry Canada, NGOs, police, many Internet service providers and other levels of government to develop comprehensive tools to address this issue.

We have been funding programs that promote public education tools to combat hate on the Internet. For example, in partnership with the Media Awareness Network, we have created a tool for young people between the ages of nine and twelve to be able to detect biases on the Internet. The Ministers of Justice and Industry have—

**The Speaker:** The hon. member for Saint John.

\* \* \*

● (1500)

**NATIONAL DEFENCE**

**Mrs. Elsie Wayne (Saint John, PC/DR):** Mr. Speaker, the Minister of National Defence has publicly stated that the process to replace the Sea King helicopters is behind schedule. A document from the defence department states that the delay for the delivery might well stretch beyond the year 2010.

Will the minister be up front with us today, not political but up front and tell us exactly when we will get the replacements for the Sea Kings? When will he award that contract?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, we are about to go into the request for proposal process, the pre-qualification stage. Having gone through numerous discussions with the industry because of the many questions that they have asked, we want to make sure they understand the request for proposals. Let me assure the hon. member that when those documents go out, as they will shortly, they will reflect what our fine, dedicated men and women in the Canadian forces feel is needed in terms of the helicopter.

We will be looking to get the replacement for the Sea Kings by the end of 2005. We will work as fast as we can to achieve that.

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**GOVERNMENT ORDERS**

[Translation]

**CANADA NATIONAL MARINE CONSERVATION AREAS ACT**

The House resumed from November 21 consideration of the motion that Bill C-10, an act respecting the national marine conservation areas of Canada, be read the third time and passed.

**The Speaker:** It being 3 p.m., the House will now proceed to the deferred recorded division on the motion at third reading stage of Bill C-10.

Call in the members.

● (1510)

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

## Government Orders

*(Division No. 175)*

## YEAS

## Members

Adams  
Allard  
Assad  
Augustine  
Bagnell  
Barnes  
Bélair  
Bellemare  
Bertrand  
Binet  
Bonin  
Borotsik  
Boudria  
Bradshaw  
Bryden  
Byrne  
Calder  
Caplan  
Casey  
Cauchon  
Charbonneau  
Coderre  
Comuzzi  
Cotler  
Cuzner  
Dhaliwal  
Discepolo  
Dromisky  
Duplain  
Eggleton  
Finlay  
Fry  
Godfrey  
Gray (Windsor West)  
Harb  
Herron  
Hubbard  
Jennings  
Karetak-Lindell  
Knutson  
Laliberte  
Lavigne  
Lee  
Lincoln  
MacAulay  
Macklin  
Malhi  
Marleau  
McCallum  
McGuire  
McLellan  
McTeague  
Minna  
Murphy  
Nault  
O'Brien (Labrador)  
O'Reilly  
Pankiw  
Parrish  
Peric  
Phinney  
Price  
Provenzano  
Reed (Halton)  
Robillard  
Saada  
Scherrer  
Serré  
Speller  
St. Denis  
Stewart  
Telegdi  
Thibeault (Saint-Lambert)  
Tirabassi  
Torsney  
Valeri  
Volpe  
Wayne  
Wilfert

Alcock  
Anderson (Victoria)  
Assadourian  
Bachand (Richmond—Arthabaska)  
Bakopanos  
Beaumier  
Bélangier  
Bennett  
Bevilacqua  
Blondin-Andrew  
Bonwick  
Boudria  
Brown  
Bulte  
Caccia  
Cannis  
Carroll  
Catterall  
Chamberlain  
Clark  
Collenette  
Coppes  
Cullen  
DeVillers  
Dion  
Doyle  
Drouin  
Easter  
Eyking  
Fontana  
Gagliano  
Graham  
Guarnieri  
Harvard  
Hill (Prince George—Peace River)  
Ianno  
Jordan  
Keys  
Kraft Sloane  
Lastewka  
LeBlanc  
Leung  
Longfield  
MacKay (Pictou—Antigonish—Guysborough)  
Mahoney  
Manley  
Mathews  
McCormick  
McKay (Scarborough East)  
McNally  
Mills (Toronto—Danforth)  
Mitchell  
Myers  
Normand  
O'Brien (London—Fanshawe)  
Owen  
Paradis  
Patry  
Peterson  
Pickard (Chatham—Kent Essex)  
Proulx  
Redman  
Regan  
Rock  
Savoy  
Scott  
Sgro  
St-Jacques  
Steckle  
Strahl  
Thibault (West Nova)  
Thompson (New Brunswick Southwest)  
Tonks  
Ur  
Vanclief  
Wappel  
Whelan  
Wood— 156

## NAYS

## Members

Abbott  
Anderson (Cypress Hills—Grasslands)  
Bellehumeur  
Bergeron  
Blaikie  
Breitkreuz  
Burton  
Casson  
Comartin  
Cummins  
Davies  
Dubé  
Elley  
Fitzpatrick  
Fournier  
Gagnon (Champlain)  
Gauthier  
Godin  
Guay  
Harris  
Hill (Macleod)  
Hinton  
Johnston  
Laframboise  
Lancôt  
Lill  
Marceau  
Martin (Winnipeg Centre)  
McDonough  
Merrifield  
Nystrom  
Pallister  
Penson  
Plamondon  
Rajotte  
Reynolds  
Roy  
Schmidt  
Solberg  
Spencer  
Stinson  
Thompson (Wild Rose)  
Tremblay (Lac-Saint-Jean—Saguenay)  
Venne  
White (Langley—Abbotsford)  
Yelich— 91

Ablonczy  
Bailey  
Benoit  
Bigras  
Bourgeois  
Brien  
Cardin  
Chatters  
Crête  
Dalphond-Guiral  
Day  
Duceppe  
Epp  
Forsyth  
Gagnon (Québec)  
Gallant  
Girard-Bujold  
Goldring  
Guimond  
Hearn  
Hilstrom  
Jaffer  
Kenney (Calgary Southeast)  
Lalonde  
Lebel  
Lunney (Nanaimo—Alberni)  
Martin (Esquimalt—Juan de Fuca)  
Mayfield  
Ménard  
Mills (Red Deer)  
Obhrai  
Paquette  
Perron  
Proctor  
Reid (Lanark—Carleton)  
Ritz  
Sauvageau  
Skelton  
Sorenson  
St-Hilaire  
Stoffer  
Toews  
Tremblay (Rimouski-Neigette-et-la Mitis)  
Wasylycia-Leis  
Williams

## PAIRED

## Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Gallaway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau— 12

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

(Bill read the third time and passed)

\* \* \*

[English]

**FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT**

The House resumed from November 21 consideration of the motion that Bill C-35, an act to amend the Foreign Missions and International Organizations Act, be read the third time and passed, and of the amendment.

*Government Orders*

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the amendment to the motion at third reading stage of Bill C-35. The question is on the amendment.

• (1520)

[*Translation*]

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

*(Division No. 176)***YEAS**

## Members

Abbott	Ablonczy
Anderson (Cypress Hills—Grasslands)	Bachand (Richmond—Arthabaska)
Bailey	Benoit
Borotsik	Breitkreuz
Burton	Casey
Casson	Chatters
Clark	Cummins
Day	Doyle
Elley	Epp
Fitzpatrick	Forseth
Gallant	Goldring
Harris	Hearn
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Hinton	Jaffer
Johnston	Kenney (Calgary Southeast)
Lunney (Nanaimo—Alberni)	Mackay (Pictou—Antigonish—Guysborough)
Mark	Martin (Esquimalt—Juan de Fuca)
McNally	Merrifield
Mills (Red Deer)	Obhrai
Pallister	Pankiw
Penson	Rajotte
Reid (Lanark—Carleton)	Reynolds
Ritz	Schmidt
Skelton	Solberg
Sorenson	Spencer
Stinson	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Toews	Wayne
White (Langley—Abbotsford)	Williams
Yelich — 61	

**NAYS**

## Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Bakopanos	Barnes
Beaumier	Bélair
Bellehumeur	Bellemare
Bennett	Bergeron
Bertrand	Bevilacqua
Bigras	Binet
Blaikie	Blondin-Andrew
Bonin	Bonwick
Boudria	Bourgeois
Bradshaw	Brien
Brown	Bryden
Bulte	Byrne
Caccia	Calder
Cannis	Caplan
Cardin	Carroll
Catterall	Cauchon
Chamberlain	Charbonneau
Coderre	Collenette
Comartin	Comuzzi
Copps	Cotler
Crête	Cullen
Cuzner	Dalphond-Guiral
Davies	DeVillers
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Dubé

Duceppe	Duplain
Easter	Eggleton
Eyking	Finlay
Fontana	Fournier
Fry	Gagliano
Gagnon (Champlain)	Gagnon (Québec)
Gauthier	Girard-Bujold
Godfrey	Godin
Graham	Guarnieri
Guay	Guimond
Harb	Harvard
Hubbard	Ianno
Jennings	Jordan
Karetak-Lindell	Keyes
Knutson	Kraft Sloan
Laframboise	Laberte
Lalonde	Lanctôt
Lastewka	Lavigne
Lebel	LeBlanc
Lee	Leung
Lill	Lincoln
Longfield	MacAulay
Macklin	Mahoney
Malhi	Manley
Marceau	Marleau
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Matthews	McCallum
McCormick	McDonough
McGuire	McKay (Scarborough East)
McLellan	McTeague
Ménard	Mills (Toronto—Danforth)
Minna	Mitchell
Murphy	Myers
Nault	Normand
Nystrom	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Owen	Paquette
Paradis	Parrish
Patry	Peric
Perron	Peterson
Phinney	Pickard (Chatham—Kent Essex)
Plamondon	Proulx
Proctor	Redman
Provenzano	Regan
Reed (Halton)	Robillard
Richardson	Roy
Rock	Sauvageau
Saada	Scherrer
Savoy	Serré
Scott	Speller
Sgro	St-Jacques
St-Hilaire	Steckle
St. Denis	Stoffer
Stewart	Thibault (West Nova)
Telegdi	Tirabassi
Thibeault (Saint-Lambert)	Torsney
Tonks	Tremblay (Rimouski-Neigette-et-la Mitis)
Tremblay (Lac-Saint-Jean—Saguenay)	Valeri
Ur	Venne
Vanclicf	Wappel
Volpe	Whelan
Wasylycia-Leis	Wood — 186
Wilfert	

**PAIRED**

## Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau — 12

**The Speaker:** I declare the amendment lost.



## PRIVATE MEMBERS' BUSINESS

[English]

### THE ACADIANS

The House resumed from November 22 consideration of the motion.

**The Speaker:** Pursuant to order made on Tuesday, November 20, the House will now proceed to the taking of the deferred recorded division on the amendment to Motion No. 241 under private members' business.

• (1525)

[Translation]

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

(Division No. 177)

### YEAS

#### Members

Abbott	Ablonczy
Bachand (Richmond—Arthabaska)	Bailey
Bélair	Bellehumeur
Benoit	Bergeron
Bigras	Blaikie
Borotsik	Bourgeois
Breitkreuz	Brien
Burton	Cardin
Casey	Casson
Charbonneau	Clark
Comartin	Crête
Cummins	Dalphond-Guiral
Davies	Day
Doyle	Dubé
Duceppe	Epp
Fitzpatrick	Forseth
Fournier	Gagnon (Champlain)
Gagnon (Québec)	Gallant
Gauthier	Girard-Bujold
Godin	Goldring
Guay	Guimond
Harris	Hearn
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Hinton	Jaffier
Kenney (Calgary Southeast)	Laframboise
Laliberte	Lalonde
Lancôt	Lebel
Lill	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Marceau
Mark	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	McDonough
McNally	McTeague
Ménard	Merrifield
Nystrom	Obhrai
Pallister	Paquette
Peric	Perron
Plamondon	Proctor
Rajotte	Reed (Halton)
Reid (Lanark—Carleton)	Reynolds
Richardson	Ritz
Roy	Sauvageau
Schmidt	Skelton
Sorenson	Spencer
St-Hilaire	Steckle
Stinson	Stoffer
Strahl	Telegdi
Thompson (Wild Rose)	Toews
Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis)
Venne	Wasylcia-Leis
Wayne	Williams
Yelich — 103	

### Private Members' Business

### NAYS

#### Members

Adams	Alcock
Allard	Anderson (Cypress Hills—Grasslands)
Anderson (Victoria)	Assad
Assadourian	Augustine
Bagnell	Bakopanos
Barnes	Beaumier
Bélangier	Bellemare
Bennett	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Carroll	Catterall
Cauchon	Chamberlain
Chatters	Coderre
Collenette	Comuzzi
Copps	Cullen
Cuzner	DeVillers
Dhaliwal	Dion
Discepolo	Dromisky
Drouin	Duplain
Eggleton	Elley
Eyking	Finlay
Fontana	Fry
Gagliano	Godfrey
Graham	Guarnieri
Harb	Harvard
Hubbard	Ianno
Jennings	Johnston
Jordan	Karetak-Lindell
Keyes	Knutson
Kraft Sloan	Lastewka
Lavigne	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	Macklin
Mahoney	Malhi
Manley	Marleau
Martin (LaSalle—Émard)	Mathews
Mayfield	McCallum
McCormick	McGuire
McLellan	Mills (Red Deer)
Mills (Toronto—Danforth)	Minna
Mitchell	Murphy
Myers	Nault
Normand	O'Brien (London—Fanshawe)
O'Reilly	Owen
Paradis	Parrish
Patry	Peterson
Phinney	Pickard (Chatham—Kent Essex)
Price	Proulx
Provenzano	Redman
Regan	Robillard
Rock	Saada
Savoy	Scherrer
Scott	Serré
Sgro	Speller
St-Jacques	St. Denis
Stewart	Thibault (West Nova)
Thibeault (Saint-Lambert)	Thompson (New Brunswick Southwest)
Tirabassi	Tonks
Torsney	Ur
Valeri	Vanclief
Volpe	Wappel
Wilfert	Wood — 136

### PAIRED

#### Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau — 12

**The Speaker:** I declare the amendment lost.

*Private Members' Business*

[English]

The next question is on the main motion.

● (1540)

[Translation]

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

*(Division No. 178)***YEAS**

## Members

Bachand (Richmond—Arthabaska)	Bellehumeur
Bergeron	Bigras
Blaikie	Borotsik
Bourgeois	Brien
Cardin	Clark
Comartin	Crête
Cummins	Dalphond-Guiral
Davies	Doyle
Dubé	Duceppe
Fournier	Gagnon (Québec)
Gagnon (Champlain)	Gauthier
Girard-Bujold	Godin
Guay	Guimond
Hearn	Herron
Jaffer	Laframboise
Lalonde	Lanctôt
Lebel	Lill
MacKay (Pictou—Antigonish—Guysborough)	Marceau
Mark	Martin (Winnipeg Centre)
McDonough	McTeague
Ménard	Nystrom
Paquette	Peric
Perron	Plamondon
Proctor	Reed (Halton)
Richardson	Roy
Sauvageau	St-Hilaire
Steckle	Stoffer
Telegdi	Tremblay (Lac-Saint-Jean—Saguenay)
Tremblay (Rimouski-Neigette-et-la Mitis)	Venne
Wasylycia-Leis — 59	

**NAYS**

## Members

Abbott	Ablonczy
Adams	Alcock
Allard	Anderson (Cypress Hills—Grasslands)
Anderson (Victoria)	Assad
Assadourian	Augustine
Bagnell	Bailey
Bakopoulos	Barnes
Beaumier	Bélair
Bélangier	Bennett
Benoit	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Breitreuz
Brown	Bryden
Bulte	Burton
Byrne	Caccia
Calder	Cannis
Carroll	Casey
Casson	Catterall
Cauchon	Chamberlain
Charbonneau	Chatters
Coderre	Collenette
Comuzzi	Copps
Cullen	Cuzner
Day	DeVillers
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Duplain
Eggleton	Elley
Epp	Eyking
Finlay	Fitzpatrick

Fontana	Forseth
Fry	Gagliano
Gallant	Godfrey
Goldring	Graham
Guarnieri	Harb
Harris	Harvard
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hinton
Hubbard	Ianno
Jennings	Johnston
Jordan	Karetak-Lindell
Kenney (Calgary Southeast)	Keyes
Knutson	Kraft Sloan
Laliberte	Lastewka
Lavigne	LeBlanc
Lee	Leung
Lincoln	Longfield
Lunney (Nanaimo—Alberni)	MacAulay
Macklin	Mahoney
Malhi	Manley
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)	Mathews
Mayfield	McCallum
McCormick	McGuire
McLellan	McNally
Merrifield	Mills (Red Deer)
Mills (Toronto—Danforth)	Minna
Mitchell	Murphy
Myers	Nault
Normand	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Obhrai	Owen
Pallister	Paradis
Parrish	Patry
Penson	Peterson
Phinney	Pickard (Chatham—Kent Essex)
Price	Proulx
Provenzano	Rajotte
Redman	Regan
Reid (Lanark—Carleton)	Reynolds
Ritz	Robillard
Rock	Saada
Savoy	Scherrer
Schmidt	Scott
Serré	Sgro
Skelton	Sorenson
Speller	Spencer
St-Jacques	St. Denis
Stewart	Stinson
Strahl	Thibault (West Nova)
Thibeault (Saint-Lambert)	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tirabassi
Toews	Tonks
Torsney	Ur
Valeri	Vanclief
Volpe	Wappel
Wayne	White (Langley—Abbotsford)
Wilfert	Williams
Wood	Yelich — 182

**PAIRED**

## Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau — 12

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

\* \* \*

[English]

**COMPUTER HACKERS**

The House resumed from November 26 consideration of the motion.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on Motion No. 80.

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

*(Division No. 179)*

**YEAS**

Members

Abbott	Ablonczy
Anderson (Cypress Hills—Grasslands)	Bailey
Benoit	Borotsik
Breitkreuz	Burton
Casey	Casson
Chatters	Clark
Cummins	Day
Doyle	Elley
Epp	Fitzpatrick
Forseth	Gallant
Goldring	Harris
Hearn	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hinton	Jaffer
Johnston	Kenney (Calgary Southeast)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Mark	Martin (Esquimalt—Juan de Fuca)
Mayfield	McNally
Merrifield	Mills (Red Deer)
Obhrai	Pallister
Pankiw	Penson
Peric	Rajotte
Reynolds	Ritz
Schmidt	Skelton
Sorenson	Spencer
Stinson	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Toews	Wayne
Williams	Yelich — 58

**NAYS**

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Bakopanos	Barnes
Beaumier	Bélaire
Bélanger	Bellehumeur
Bellemare	Bennett
Bergeron	Bertrand
Bevilacqua	Bigras
Binet	Blaikie
Blondin-Andrew	Bonin
Bonwick	Boudria
Bourgeois	Bradshaw
Brien	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Cardin	Carroll
Catterall	Cauchon
Chamberlain	Charbonneau
Coderre	Comartin
Comuzzi	Copps
Cotler	Crête
Cullen	Cuzner
Dalphond-Guiral	Davies
DeVillers	Dhaliwal
Dion	Discepola
Dromisky	Drouin
Dubé	Duceppe
Duplain	Eggleton
Eyking	Finlay
Fontana	Fournier
Fry	Gagliano
Gagnon (Québec)	Gagnon (Champlain)
Gauthier	Girard-Bujold
Godfrey	Godin

*Private Members' Business*

Graham	Guarnieri
Guay	Guimond
Harb	Harvard
Hilstrom	Hubbard
Ianno	Jennings
Jordan	Karetak-Lindell
Keyes	Knutson
Kraft Sloan	Laframboise
Labiberte	Lalonde
Lanctôt	Lastewka
Lavigne	LeBlanc
Lee	Leung
Lill	Lincoln
Longfield	MacAulay
Macklin	Mahoney
Malhi	Manley
Marceau	Marleau
Martin (Winnipeg Centre)	Mathews
McCallum	McCormick
McDonough	McGuire
McLellan	McTeague
Ménard	Mills (Toronto—Danforth)
Minna	Mitchell
Murphy	Myers
Nault	Normand
Nystrom	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Owen	Paquette
Paradis	Parrish
Patry	Perron
Peterson	Phinney
Pickard (Chatham—Kent Essex)	Plamondon
Price	Proctor
Proulx	Provenzano
Redman	Reed (Halton)
Regan	Reid (Lanark—Carleton)
Richardson	Robillard
Roy	Saada
Sauvageau	Savoy
Scherrer	Scott
Sgro	Speller
St-Hilaire	St-Jacques
St. Denis	Steckle
Stewart	Stoffer
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Torsney
Tremblay (Lac-Saint-Jean—Saguenay)	Ur
Valeri	Vanclief
Venne	Volpe
Wappel	Whelan
Wilfert	Wood — 178

**PAIRED**

Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau — 12

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

I wish to inform the House that because of the deferred recorded divisions government orders will be extended by an additional 49 minutes to which can be added the 30 minutes from this morning, so there will be a total extension of 79 minutes beyond 5.30 p.m.

● (1550)

[*Translation*]

I wish to clarify the manner in which we will proceed this afternoon for private members' business.

*Points of Order*

[English]

As hon. members are aware, government orders have been extended and the hour provided for private members' business scheduled for 5.30 p.m. has been delayed until 6 p.m. pursuant to Standing Order 67(1), the provisions regarding the debate on the motion for time allocation. We had a further delay because of the deferred divisions.

Later today private members' business may be subject to rescheduling due to the provisions of Standing Order 37. The Speaker is not able to anticipate how many divisions, if any, may take place on Bill C-36 at the end of government orders but I anticipate there might be some.

I want to inform hon. members that private members' hour will take place late tonight unless the recorded divisions at the end of government orders delay it by more than one and one half hours after the beginning of the votes. If members want to make other arrangements they can do so with consent.

\* \* \*

[Translation]

**PRIVILEGE**

## UNPARLIAMENTARY LANGUAGE

**Mr. Dominic LeBlanc (Beauséjour—Petitcodiac, Lib.):** Mr. Speaker, during the vote on Motion No. 241, the member for Bas-Richelieu—Nicolet—Bécancour used words which I dare not repeat in the House and which were offensive to me. I ask that he withdraw them immediately.

**Mr. Gérard Binet (Frontenac—Mégantic, Lib.):** Mr. Speaker, I saw and heard the member for Bas-Richelieu—Nicolet—Bécancour use these very offensive words. In Quebec, these are the worst words you can say to someone.

**The Speaker:** It is difficult for the Chair. I heard a lot of noise, but I did not hear certain words. Without the words, it is difficult for me to determine whether the hon. member for Beauséjour—Petitcodiac has a valid question of privilege.

What I can say is that I will reread the blues to determine whether there is a problem. If I determine that there is, I will certainly report back to the House and will ask that the offensive words, if any, be withdrawn.

• (1555)

**Mr. Gérard Binet:** Mr. Speaker, the words used by the member for Bas-Richelieu—Nicolet—Bécancour were these: "LeBlanc, tu es un crosseur". I think this calls for an apology.

**The Speaker:** As I said, I will examine the blues and report back to the House.

\* \* \*

[English]

**POINTS OF ORDER**

## BILL S-7

**Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance):** Mr. Speaker, I rise on a point of order. Bill S-7 should be withdrawn from the order paper because it would violate the financial privileges

of the House. I argue this point as a matter of precedence. While the bill has some redeeming value it is contrary to parliamentary practice and consequently would establish a deleterious precedent.

Further, the bill in its present form and in the route by which it was placed on the Chamber's order paper was a conscious attempt by the heritage minister and her officials to avoid dealing with the issue. The summary of the bill states:

This enactment amends the *Broadcasting Act* in order to enable the Canadian Radio-television and Telecommunications Commission to make regulations establishing criteria for the awarding of costs, and to give the Commission the power to award and tax costs between the parties that appear before it. Costs are the allowed expenses that a party incurs in respect of a proceeding. The taxation of costs means the review of the costs by an officer of the Commission with a view to determining that they are authorized and reasonable.

The bill attempts to amend the Broadcasting Act by adding the following after section 9:

9.1(1) The Commission may award interim or final costs of and incidental to proceedings before it and may fix the amount of the costs or direct that the amount be taxed.

(2) The Commission may order by whom and to whom any costs are to be paid and by whom they are to be taxed, and may establish a scale for the taxation of costs.

The awarding of costs for intervenor status already exists on the telecommunications side of the CRTC. This is creating a level playing field, so to speak, for the broadcasting side. The costs are met by companies that come under the jurisdiction of the CRTC which took part in the proceedings and will be affected by the outcome.

One of the principles of reimbursement is to compensate deserving intervenors for the costs incurred by an intervention based on fair market value for the work performed. Like the costs for company representation the funds come from the key industry intervenor's services budget. This procedure would be the same as that already in place under the Telecommunications Act.

In exercising its responsibility under the Broadcasting Act the CRTC is given decision making powers that are important for and have a great impact on the association of Canadians with the promotion of Canadian culture, the setting of rates, the introduction of competition and the resolution of stakeholder disputes.

Mr. Speaker, on June 12 you set the stage for the ruling I am asking for in your ruling on Bill S-15. Since the same stage can be used for my argument regarding the procedural inadmissibility of Bill S-7 I will begin by quoting from your ruling. Citing chapter 18 of Marleau and Montpetit you said:

*Points of Order*

Initially, the Commons were content simply to have grants of Supply originate in their House. However, over time the Lords began "tacking on" additional legislative provisions to Commons "money bills", by way of amendments. This was viewed by the House as a breach of its prerogative to originate all legislation which imposed a charge either on the public or the public purse, and led the Commons, in 1678, to resolve that:

All aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons: and that it is the undoubted and sole right of the Commons to direct, limit, and appoint, in such Bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants; which ought not to be changed or altered by the House of Lords.

—300 years later a virtually identical formulation is found in our own House of Commons Standing Order 80(1) which reads:

All aids and supplies granted to the Sovereign by the parliament of Canada are the sole gift of the House of Commons, and all bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit and appoint in all such bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

● (1600)

This same principle is captured in an early source on Canadian procedure, Bourinot 4th ed., at page 491, which states, and this is a translation:

As a general rule, public bills may originate in either house; but whenever they grant supplies of any kind, or involve directly or indirectly the levying or appropriation of any tax upon the people, they must be initiated in the popular branch, in accordance with law and English constitutional practice.

In Canada, the constitution itself enshrines the ancient English practice whereby the elected representatives of those who will be affected by any tax measure should be the first to examine such a measure and accept or reject it.

In matters of taxation, the House is provided with priority over the Senate. The Constitution Act, 1867 provides, in section 53: "Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons". The standing orders provide that the House may only consider taxation measures that have been initiated by a minister through the usual ways and means procedures.

As with Bill S-15, the central issue in this case is whether or not the fees imposed are for purposes beneficial to the industry concerned. I refer the House to page 779 of Erskine May, 22nd edition:

Modern legislation, however, frequently makes provision for the imposition of other types of fees or payment which, although not taxes in a strict sense, have enough of the characteristics of taxation to require to be treated as 'charges upon the people'—

As I said earlier, the sole purpose of Bill S-7 is to compensate deserving interveners for the costs incurred by an intervention based on the fair market value of the work performed. Like the cost for company representation, the funds come from the key industry interveners' services budget.

As I stated, I am arguing the bill as a matter of precedence and not as a motion on behalf of the industry although Bill S-7, unlike Bill S-15, does not even attempt to make the case that it is beneficial to the industry.

I have not been able to identify in the bill any dispositions that provide for any benefit to the industry. The bill would work against the industry. At the moment a member of the public can bring to the CRTC a grievance against a telecommunications company and the intervener would be compensated for any costs incurred. Bill S-7 seeks to extend this benefit to the broadcasting side of the CRTC. This would encourage more people to launch complaints against the broadcasting industry.

The difference between Bill S-15 and Bill S-7 is that in the case of Bill S-15 no such fund existed at all. Bill S-7 seeks to expand the use of a fund that already exists. This cannot be a legitimate argument to allow Bill S-7 to remain on the order paper.

On June 12, 1973, the Speaker ruled Bill S-5, the Farm Improvement Loans Act, out of order because while the bill did not in itself propose a direct expenditure it proposed substantial additional liabilities on public moneys. The Speaker ruled that the bill infringed on the privilege of the House.

On October 23, 1991, the speaker of the Senate ruled a Senate bill out of order that sought to extend war veterans benefits to merchant seamen. The speaker pointed out that the bill would give rise to claims by merchant seamen and their spouses against the government and would cause the government to incur liabilities.

Bill S-7 would have the same effect in that it would increase liabilities upon the existing fund. It introduces for the first time a scheme for compensating interveners for the broadcasting industry.

In F. A. Kunz's *The Modern Senate of Canada* there is a reference to the war risk insurance bill of 1942. The government had to accept a number of amendments made by the Senate except one which enabled the minister to enter into an agreement with provincially registered insurance companies. After debate Mr. Ilesley told the House on July 29 that the Senate:

—contravenes constitutional usage and practice, because the alteration of that scheme in any important particular is the alteration of what is essentially and soundly considered a financial bill.

The attempt by Bill S-7 to alter the criteria for the awarding of costs and give the commission the power to award and tax costs between the parties that appear before it is the alteration of what is essentially and soundly a financial matter.

● (1605)

To sum up, Bill S-7 would introduce a tax for the broadcasting industry. It would not be beneficial to the broadcasting industry. It would alter an existing scheme that increases the liabilities of an established fund.

If the heritage minister and her department want to create such a change let her exhibit leadership by bringing forward such legislation and in effect taking ownership of it. Using the back door of a bill originating in the Senate, even one with some redeeming value, is unbecoming for the Minister of Canadian Heritage.

Bill S-7 would violate the financial privileges of the House and establish a precedent for future bills. It should therefore be withdrawn.

**The Speaker:** The Chair wants to thank the hon. member for Kootenay—Columbia for his very able argument on this point. I cannot tell him how pleased I am to have my own decision cited as an authority for something in the House. Having said that, I am afraid I must disagree with the premise of his question.

*Government Orders*

In my view Bill S-7 would not impose taxes. Rather, it would give to the CRTC, a quasi-judicial body, the power to make regulations enabling the commission to direct that the costs of a party appearing before the commission be paid by another party according to a scale of costs set out by the commission in its regulations similar to that which any court in this country can do upon the adjudication of a case before it.

[Translation]

As explained in the bill's summary, costs are the allowed expenses that a party incurs in respect of a proceeding. The taxation of costs means the review of the costs by an officer of the Commission with a view to determining that they are authorized and reasonable.

[English]

The subject matter of Bill S-7 is not the imposition of any tax although the word taxation is used in the bill. Accordingly I cannot find the hon. member's point of order to be well taken. In my view Bill S-7, at least on this ground, is properly before the House.

\* \* \*

**ANTI-TERRORISM ACT**

The House resumed consideration of Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities in order to combat terrorism, as reported (with amendment) from the committee, and of Motion No. 6.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, on October 16, one day after the introduction of Bill C-36, I rose in the House to identify nine areas of civil libertarian concern. These concerns and related references subsequently found expression in witness testimony before the House of Commons justice and human rights committee, in parliamentary debate and within my own remarks inside and outside the House. Accordingly, I am pleased that six core concerns whose importance may not have been fully appreciated, particularly those that relate to matters of secrecy and disclosure, have found expression in amendments to the original bill which I would like to summarize as follows.

First, and as a matter of particular concern, the definition of a terrorist activity has been circumscribed to ensure that the focus is on the intended terrorist evil rather than the lawfulness or unlawfulness of the act which underpins it. Accordingly, the amendment seeks to ensure that any advocacy protest, dissent or work stoppage activity, even if unlawful, even if attended by violence, even if it causes disruption to an essential service, would not be considered a terrorist activity unless it is undertaken for a political, religious or ideological purpose and it is intended to cause death, serious bodily harm, endangerment of life or serious risk to health or safety and it intends to intimidate the public, or segment thereof, or coerce the government, et cetera to do or refrain from doing something. In a word, unless the violent criminal act committed includes these three requirements of intentionality and motivation, it could not be characterized as a terrorist activity.

Second, mens rea or guilty intention is a requirement for criminal responsibility for a terrorist offence, including the notion of facilitating a terrorist activity.

Third, the power of the attorney general to issue a certificate prohibiting disclosure of sensitive security related information was, prior to an amendment, an unfettered, unreviewable power. Now, after amendment, the certificate cannot be issued at any time but only after an order for disclosure in a legal process. The issuance of the certificate would not remain secret but would be published in the *Canada Gazette*. The certificate would not be unreviewable but subject to judicial review by a Federal Court of Appeal judge. The access to information and privacy acts would not be excluded but would still apply, as would the oversight by the privacy and information commissioners. The existing provisions for the collection, use and protection of information would be preserved.

Fourth, a non-discrimination provision has been included to ensure that political, religious, or ideological expression could not be converted into any form of terrorist activity so that visible minorities could not be singled out for differential and discriminatory treatment.

Fifth, there would be sunset provisions for two novel investigative and procedural mechanisms, the preventive arrest and judicial investigative hearings. Nor are these provisions themselves without internal safeguards. For example, in the matter of preventive arrests, this power can only be invoked if, and the following considerations have not always been appreciated, there are reasonable grounds to believe that a terrorist activity will be carried out and that imposing conditions or arrest is necessary to prevent the carrying out of the terrorist activity. The terrorist threat must be specific and involve a specific individual. The attorney general must consent to the arrest in all cases.

The detention after arrest must be subject to judicial review within 24 hours. In addition, the consent of the attorney general is required before a judge can be asked to impose supervisory conditions, or the release of a person, or detention for a longer period up to 72 hours.

*Government Orders*

Sixth would be the sunset clauses. I appreciate what has been mentioned in the House, particularly by members of the opposition, that they fall short of a full demise prior to subsequent parliamentary resolution. But they are only one prong, one aspect of a range of oversight mechanisms which include: the Canadian Charter of Rights and Freedoms; international human rights norms, including in particular principles respecting the right to a fair trial; the annual report to parliament of the Minister of Justice and the Solicitor General of Canada and provincial ministers of police; an annual parliamentary oversight by Commons and Senate committees for purposes of public accountability; oversight by information and privacy commissioners; requisite authorization or consent by the Minister of Justice and an enhanced judicial capacity in relation to offences and investigatory mechanisms under the act; mandatory three year parliamentary review of the legislation; and sunset clauses whose demise or continuation will be assessed on the basis of the justice audit of this whole range of oversight mechanisms.

• (1610)

There are other oversight mechanisms which may not be in the bill but are part of the democratic framework of public accountability. I am referring to civilian complaint mechanisms and civilian oversight of police conduct and the sunshine focus of the media. There is also the role of parliamentarians inside and outside the parliamentary process; the role of human rights and non-governmental organizations; the role and representation of the professional bar and legal academe; and the role of visible minorities. There is also the institutionalized consultation, though not mentioned in the bill, between the Department of Justice and representatives of visible minorities to ensure their ongoing involvement and feedback regarding the enforcement and application of the act.

We have been focusing or concentrating on the sunset clauses, which standing alone are admittedly limited in their oversight. But we are losing sight of the whole range of oversight mechanisms, parliamentary and extraparliamentary, that together constitute a far more important sunshine process of democratic accountability.

We should not only be thinking in terms of sunset clauses, but more important, in terms of a sunshine process.

• (1615)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, I want to compliment the member for Mount Royal on his eloquent interventions over the last month or so on the bill. They have been greatly appreciated by me and I am sure by many other members of the House as well as the public.

Bill C-36, the anti-terrorism act, seeks to amend a number of acts. This perhaps is the most important bill to have come before the House in the past 50 years. It is wide ranging and has a profound impact on the rights of Canadians, our sovereignty, access to information, transparency as well as a number of revenue issues. Each and every Canadian should be watching the bill very closely. It is a bill that deserves our outmost attention. The bill deserves to be debated at length and all questions pertaining it asked and answered.

Unfortunately the government took it upon itself to engage in closure. Of all the bills that have come to the House, this bill deserved closure the least because of its profound nature, because of the potential impact the bill could have on all Canadians and because

of the need of Canadians from coast to coast to have their questions answered, which has not happened.

My party as well as the other opposition parties and indeed many government members have asked the government to put the brakes on the bill in terms of closure. We should have a longer debate, extend hours if we have to, but make sure the bill is debated thoroughly and that all questions are answered. That has not happened.

We are pleased that the government, although it defeated a supply day motion proposed by our party, did seek to include a number of suggestions in the bill. These include: the naming of all known international terrorist organizations operating in Canada; a complete ban on fundraising activities to support terrorism; the immediate ratification of the convention for the suppression of financing of terrorism; the creation of specific crimes for engaging in terrorist training and activities; and the extradition of foreign nationals charged with acts of terrorism. We can only compliment the government for supporting them.

I would say that the government has been tardy in the introduction of this bill. We knew full well that the country needed a proper anti-terrorism bill years ago. Indeed, we have been asking for one. Why did it take the events of September 11 for the government to suddenly put the gears of this institution in place and move forward on the bill? Why was it not done beforehand when we had more time? We could have extracted information from the best minds in the country to apply to the bill. It could have been a thoughtful bill, not a rushed one, a bill that would have been more effective.

As the member for Mount Royal said very eloquently, the bill lacks the appropriate oversight mechanisms that are essential given the powers that the bill gives to the government.

We have passed stage one in the war on terrorism. Stage one is what took place in Afghanistan. I submit that was the easiest part of the war on terrorism. The more difficult part is what is happening now. It involves how we root out and find those terrorists who have already situated themselves in other parts of the world, individuals who have proven by the events of September 11 that they are willing to kill themselves in an act of aggression against the west. How do we prevent those situations from happening again? How do we drain the swamp so that other individuals will not take that extreme step of wishing to kill themselves in pursuit of those acts which they believe in their hearts are for their cause?

Canada has an extraordinary opportunity to deal with part two, the most difficult aspect of the war on terrorism. Given the interactions, the memberships and the abilities many Canadians have, we as a country can build on the coalition that exists today to prevent a lot of these situations from happening.

*Government Orders*

We must deal with the issue of propaganda. Whether it is in Rwanda, Burundi, the former Yugoslavia or in Afghanistan, how they get a group of people to believe in these myths, particularly the terrorists, is that they are fed a steady diet of hateful, venal propaganda from the time they are small children until they are adults.

• (1620)

In time some of those individuals will take it upon themselves to engage in these extreme acts of terrorism. What we must do with our partners, and I underline the Muslim states in particular, is address, diffuse and ameliorate the propaganda and tell people the truth. We should not allow individuals to harbour and foment violence between one group and another. We must step in and diffuse it. If we allow this to happen, as we have seen time and again, we will be sowing the seeds of ethnic hatred and discontent, and ultimately bloodshed.

As I said before, we saw it in Yugoslavia in 1974. We saw it in Rwanda and in Afghanistan, and we will see it again in the future unless we prevent it. Our country has an opportunity to work with members of the coalition to do just that. Economically, we must also build bridges between members of the coalition.

A profound thing happened recently with the introduction of Russia as a decision making partner in NATO decisions. It was absolutely crucial to bring that country closer to the fold of the international neighbourhood. It enabled the potential threat of Russia to be diffused. Given its nuclear capabilities, we know the threat, while small, could be profound if it was ever acted upon.

Similar initiatives must take place with respect to Muslim nations. Cleavage patterns are taking place within those countries and I think we now have the opportunity to ask the moderate Muslim states to intervene with other less moderate states, like Iraq, Syria and elements working in the Palestinian controlled territory, such as Hamas and Islamic Jihad, to work with those groups, diffuse those groups and to build bridges between moderates and, if necessary, go after and neutralize those terrorist groups like Hamas and Islamic Jihad.

If we allow these cancers to live within our midst, then not only are we a target for terrorist activities but we also poison the ability of the vast majority of individuals who want peace from living peaceful, normal, integrated lives and becoming members of the international community. We should strike while the iron is hot. We have that opportunity now but it will not last. The coalition exists to deal with the situation in Afghanistan. We must build upon it and we must do it now.

We have a great chance to work with the American government. Individuals within congress would like to see a more international approach to foreign affairs but they need to be encouraged. I think our parliament should set up a formal working group with members of the American congress to work on issues of bilateral and multilateral importance. The Americans have a great untapped wealth of potential that is not being used for multilateral purposes. As Canadians and as the closest allies of the Americans, we can, should and must work with the American congress in those areas.

Although phase one of the war against terrorism has been largely accomplished, the more difficult aspect of phase two is before us today. Canada can play a role in dealing with hateful propaganda that is pushed out by some groups by hunting down terrorists with our partners, by integrating international police and foreign services to work against terrorism and to build bilateral and multilateral economic initiatives between countries that have formerly been at odds with each other. It is very difficult to hate the person with whom one is sitting at the table and working on economic initiatives. It is up to us to forge those connections. I am sure we will be successful at doing that in the future.

• (1625)

**Mr. Reg Alcock (Winnipeg South, Lib.):** Mr. Speaker, I appreciate the opportunity to say a few words on the bill at report stage.

When I spoke on the bill at the time it was introduced to the House, I was concerned, as I believe a great many members were, about law being made in haste. There was a feeling at that time that the terrible events of September 11 had caused us to react very quickly of course, but, as the Prime Minister said when he spoke on terrorism, law made quickly, law made in haste, can sometimes contain errors. I was concerned that we needed the time to reflect on the issues that affect the basic rights of all Canadians.

At the same time, we were pressed because events that were unfolding and of the need to provide protection and the tools needed to investigate and to ensure that no further harm came to people.

I outlined three things when I spoke the last time. The first was the necessary modernization. I felt that a great many clauses in the bill were a simple modernization of the rules of investigation. They were pieces of work the department had been working on for a very long time. They were bringing into effect in Canada some of the UN conventions that we had already agreed to and they were part of what I believe we will be coming back to over and over again, a necessary modernization of the ability of the police to investigate in the light of advancing technology.

That was a portion of the bill. However there were portions of the bill that were created quickly and specifically to address the issues of September 11. I asked for two things. I asked that attention be paid to the oversight mechanisms, that when we acted upon information provided in confidence by other governments, there would be a third party mechanism to review the decisions that were taken so that no Canadians would have their rights threatened.

The third thing, which I spent a fair bit of time researching and working on after that, was the necessity to create a sunset clause. I agree very much with the member for Mount Royal when he talks about the fact that the strength in the bill is not just the ability to review it five years hence, but the elements within the bill that allow us to see and understand what is going on. It is the transparency and the opportunity for third parties to examine what is going on that will ultimately be the guarantee of our freedoms.



*Government Orders*

What I really want to do today is congratulate the members of the committee from all parties. They worked exceptionally hard on this. I know how hard members I know on the committee struggled with each one of these. We owe a great debt of thanks to the chairman of the committee, to the member for Mount Royal, the member for Winnipeg—Transcona, the member for Pictou—Antigonish—Guysborough and so on. These members worked very hard and put in long hours trying to meet two tests: first, to get a piece of legislation passed that would enable the police to act in this very difficult area; and second, to protect the rights and freedoms that Canadians have. They struck a balance.

I know of the nights that the members for Vancouver Quadra, Oshawa, Erie—Lincoln and Berthier—Montcalm spent thinking about this, trying to find solutions and trying to find compromises. The member for Scarborough East, who shares a hallway with me, was up late worrying about this. I think people struggled hard to figure out how we could improve the bill. However, I think we all understood, although there was some confusion at times in the debate, that no matter how hard we worked there was still a fear that we would not get it right.

I thought the debate that took place around the sunset clause was very important. I saw some reporting on this that suggested there was a belief in the House that terrorism would cease to exist in two, three or five years. That is not the point of the sunset clause at all. It is simply a mechanism that would allow us to step back, distance ourselves from the events that drove this and re-examine them in a calm and dispassionate way.

• (1630)

When I spoke the last time, I argued for three years with a possible two year extension, but five years achieves the same end. It brings the clauses in the legislation back before the House for further examination and debate.

The committee has done exactly what the Prime Minister asked, and that is improve the bill. I realize there is still dissent and people do not believe we have gone far enough, but there always will be in a House like this. However I think all members of the committee are to be congratulated for the time, energy and effort they put into this. We have a bill that will meet the immediate needs and still give us an opportunity to guarantee that the rights of Canadians are protected.

I am quite prepared to support the bill, not necessarily the amendment.

**Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance):** Madam Speaker, I rise today to participate in a very important debate. I cannot begin to express my disappointment and disdain for the government's decision to impose time allocation on this extremely important legislation.

The government's rationale for this vulgar display of power is that the opposition is seeking to discuss the bill in detail. This is the most important piece of legislation to be debated by this parliament in my lifetime and the arrogant, undemocratic Liberal government has decided that it has heard enough.

The Liberals, in particular the Prime Minister, have lauded themselves as champions of the charter of rights and freedoms, yet before us we have a bill that significantly infringes upon the charter

rights of Canadians and the debate has been stifled. Shame on the government.

All this talk of protecting our democracy in the face of terror is totally hypocritical. There were no dilatory tactics or filibusters threatened by the opposition. The concerns raised by all the opposition parties were the reasonable concerns raised by Canadians from coast to coast.

The House is politically divided along regional lines. In time of war and in the face of terror it is crucially important to seek consensus on this groundbreaking bill. We all know that consensus is time consuming and it is hard work. It is what democracy is supposed to be about.

Unfortunately, the Prime Minister believes that everything is partisan and to the victor go the spoils. A true leader would have brought Canadians together in a time of crisis. The Prime Minister has proven true to his traditional form by dividing Canadians in order to fulfill his wishes.

Much of the public debate has been focused on threats to democracy. I believe the true threat to Canadian parliamentary democracy is the arrogant, dictatorial reign of the current Prime Minister and the government.

I would like to quote from an editorial entitled, "Terrorism and Freedom" from the November 17 edition of the *Economist*:

Infringements of civil rights, if genuinely required, should be open to scrutiny, and considered a painful sacrifice, or a purely tactical retreat, not as the mere brushing aside of irritating legal technicalities. Those who criticise such measures should be given a careful hearing, even if their views must sometimes be overridden. After all, one of the chief aims of most terrorists, including Osama bin Laden and his ilk, is to undermine the long-established, hard-won freedoms of liberal societies. In a democracy, one of the chief aims of those in office should be to preserve them.

I call on the Prime Minister and the justice minister to weigh these words carefully, for history may judge harshly their disregard for those whose concerns are being brushed aside here today.

With the very little amount of time granted to me today, I want to focus my remarks on the specific provision in Bill C-36 that grants police the power of preventive arrest and the potentially dangerous impact this provision could have on Canadians if left unchecked.

Preventive arrest grants police the power to arrest and detain people for up to 72 hours based on suspicion alone.

We in the Canadian Alliance understand how these extraordinary powers are necessary in order to prevent catastrophic events like September 11 from ever occurring again. However, I have tremendous apprehensions over the lack of oversight and amount of secrecy regarding these measures.

The *Economist* article went on to say:

—it is essential that any new police powers be as limited as possible, and that the rival claims of liberty be taken seriously—even in the face of shadowy enemies. Striking this balance is bound to be tricky.

We must get this balance right.

*Government Orders*

The fact that the government has quashed debate while genuine questions of civil liberties remain unanswered is deplorable.

Canada has progressed over generations to be one of the most tolerant societies in the world. We are enriched by our ethnic and religious diversity. In many parts of the world it would be unspeakable to have a mosque, a temple, a synagogue, and a catholic and a protestant church in the same region let alone on the same street. The same can be said about a classroom where children of all races and creeds learn in peace. That is the beauty of our country. That is what we are trying to protect by carefully scrutinizing Bill C-36.

I am a Muslim, the targeted group of this particular anti-terrorist legislation and investigation.

• (1635)

It does not matter how the government sugar coats it. All the provisions brought forward in response to September 11 involve racial profiling. There have been numerous incidents in Canada, the U.S. and Britain which have involved racial discrimination and even violence against Arabs, Muslims and Arab looking people.

Let me state clearly that I understand that the al-Qaeda regime was effective because it was able to infiltrate North American society and operate undetected. However, we must not go on a witch hunt, ostracizing recognizable, law-abiding communities within Canada.

We must learn from the mistakes of the past. During World War II, Japanese Canadians were interned to protect Canada from rogue agents. We must ensure that this never happens again. The hostility and societal disdain created by racially profiling Muslim and Arab Canadians as potential terrorists is creating an internment of its own.

Someone arrested under the new powers of preventive arrest is in effect guilty until proven innocent. Not only is it up to the individuals to prove their innocence, once acquitted it is up to the individuals to have their names cleared by petitioning the solicitor general.

What of their names and reputations? Where is the oversight to create the balance needed to protect the rights of Canadians? The justice minister put a sunset clause on this provision; however, it will still exist unchecked for five years.

I am calling on the government to be extremely diligent in using these new powers of preventive arrest for the consequences will have a scarring effect on our society. When a person of Arab or Indo-Canadian appearance is removed from an airplane because they are making other passengers uneasy, it is an abomination of everything for which this country stands. Yes, we must be vigilant to fight terrorism, but the cost must not be to undermine our society, thereby facilitating the very mandate of the terrorists.

These are extraordinary times that require extraordinary measures. In a pluralistic, democratic society, it is imperative that government powers be scrutinized and accountable. Canadians believe that a small loss of liberty is a fair return for greater security. That does not give licence to the government to ride roughshod over the rights of Canadians.

These powers granted by Bill C-36 are sweeping. I truly believe that there are inadequate safeguards to protect the rights of those who may be targeted by this legislation. In seeking a balance between increased power and protection of civil liberties, the government has failed miserably. Let us hope that those charged with executing the powers enacted by this legislation do so responsibly.

**Mr. Dick Proctor (Palliser, NDP):** Madam Speaker, it is a pleasure to take part in this debate although I too want to register my objection to the fact that on such an important issue we are having to debate this under very significant time constraints. I do not think it augurs well for this relatively new parliament that we are heading in this direction on something as important as Bill C-36.

The announcements on the changes by the federal justice minister last week overall were disappointing. The minister proposed that two of the most controversial powers in the bill, namely investigative hearings and preventive arrests, would lapse unless specifically renewed by parliament every five years. That could probably be summed up by "a sunset clause if necessary, but not necessarily a sunset clause".

The minister also offered to tighten the definition of terrorist act in Bill C-36 to ensure that it could not encompass activities such as illegal strikes. Although it did not go as far as I would have liked, they were certainly headed in the right direction in terms of the changes that the minister indicated she was prepared to make.

I submit that people who are concerned about freedom of speech, preventive arrests and human rights have every reason to be apprehensive that the powers in this bill have not modified or changed and are therefore very much at risk.

For example, a couple of weeks ago in Ottawa, even though Bill C-36 is obviously not yet law, civil libertarians were highly critical of the way in which the Ontario police broke up a peaceful march in the nation's capital by wading into the crowd, singling out people who were dressed in black and detaining 41 of them, only five of whom were subsequently charged. That in itself was very unfortunate, although it is amusing to see the signs festooned on lampposts around Ottawa in the aftermath of that incident suggesting that people should wear black because the Ontario police think it is an arresting colour.

People of the Canadian Arab and Muslim community are particularly disappointed by the failure of the government to modify the preventive arrest component because they believe their people and communities will be targeted, as the previous speaker and others before him have indicated.

*Government Orders*

I will take a minute to congratulate the editors and the writers of a book that was published in very quick order. The University of Toronto press produced and published a book entitled *Security of Freedom: Essays on Canada's Anti-Terrorism Bill*. The book was largely written by 25 Canadian experts in law, criminology and political science. I believe the member for Mount Royal, if I have that correct, was one of those essayists. It is a very impressive feat when one stops to consider that the anti-terrorism bill was only brought in on the October 15 and a 500 page book was produced in time for all MPs to be provided a copy before the Minister of Justice came back to the committee with proposed amendments last week.

According to the editors of that book, the challenge for lawmakers in this piece of legislation is to design arrangements that equip the nation to deal with terrorist threats without undermining our democratic core and values. Looking at that test, I submit that the changes suggested by the justice minister have failed to meet that high standard. Unfortunately experience in other countries in response to the threats to security has not been encouraging.

One of the essays that I paid particular attention to was written by Janice Stein, whom we sometimes see on national television, especially post-September 11. She noted that countries tend to grossly overstate the risk of terrorism and that they have in the past. She alleges that in such a heightened environment citizens are willing to accord state officials greatly expanded emergency powers.

● (1640)

Unfortunately these become the baseline for even more rights and liberties to move from the citizen to the state. That is one of the key points that we have been trying to make throughout this debate, especially the member for Winnipeg—Transcona, who has taken the lead for our caucus on this.

He did get an editorial in the Vancouver *Sun* which pointed out that he was correct in noting the pitfalls of legislation which is done quickly. As the editorial said, what may now appeal to Canadians when images of the World Trade Center are fresh may six months from now seem to be inappropriately extreme invasions of privacy.

Without question, we have gone too far in one direction on this legislation. In short, I do not believe it is balanced. It has been alleged that one senior RCMP official said in an unguarded moment that the provisions in Bill C-36 were greater powers than it ever dreamt it would have acquired.

Last month our caucus had the opportunity to meet with leaders of the Arab and Muslim communities. I was particularly impressed with and remember vividly one grandmother who immigrated to this country many years ago. She said she would not dream of living anywhere else and insisted that the first time she saw the snow-capped Rocky Mountains she knew she was in heaven.

However, most disturbing was her comment on Bill C-36, the provisions of which she believes will make Canada no better than the countries that she and other people fled to come to Canada. We are obviously talking about the racial profiling that was raised eloquently by the previous speaker.

In the wake of September 11, people said that giving up their lifestyle and way of life would mean that the terrorists had won. The same can surely be said for our laws. If the state can make a

convincing argument that our laws must be circumscribed to deal with a particular crisis, then it should be allowed to proceed with emergency powers, but those powers should not remain one second beyond the point at which the threat has passed.

As others have noted, there have been incidents in the country where civil liberties have been overridden at times of crisis. They pointed out the Ukrainians in the first world war, the Japanese-Canadians in World War II and French-Canadians in the province of Quebec and the War Measures Act of 1970. In all cases the general public loudly applauded these actions at the time. In each and every case the general public decided later that the country made a terrible mistake.

Canadians need to work and stick together to maintain human and civil rights to the greatest extent possible. Otherwise, if we do not, I am reminded of the powerful words at the entrance of the Holocaust Memorial in Jerusalem, which I had the privilege to visit last year. They go like this:

They came for the Communists,  
and I didn't object - For I wasn't a Communist;

They came for the Socialists,  
and I didn't object - For I wasn't a Socialist;

They came for the labour leaders,  
and I didn't object - For I wasn't a labour leader;

They came for the Jews,  
and I didn't object - For I wasn't a Jew;

Then they came for me -  
And there was no one left to object.

● (1645)

**Hon. Larry Bagnell (Yukon, Lib.):** Madam Speaker, in my riding in Yukon there is a wide diversity of opinions on this bill and certainly there is across the country. That is not unexpected on a bill that is so important to us all. It is not necessarily bad because hopefully the dialectic debate among those opinions will help us come up with the best bill possible.

Certainly some of my constituents share the fear experienced since September 11 and would like to feel more secure, but they also agree that in providing this protection every effort should be made to maintain the type of society and personal freedoms and human rights that we enjoy today. I have talked to people in Dawson City, I have received e-mails on concerns and I have talked to at least one constituent who does not feel the bill is necessary at all.

It is for these reasons and concerns that I am very appreciative that lawyers reviewed the bill with regard to its relationship to human rights before releasing it. It is also why I was very encouraged to hear that the all party justice committee recently met until 3 o'clock in the morning to make a number of amendments related to these major concerns with the bill before completing its work.

*Government Orders*

Today I want to talk about one of those technical amendments in regard to the review mechanism for the attorney general's certificates. There is a basic, major reason for this section of the bill. If foreign countries have information on terrorism that can help prevent an act in Canada but cannot release it to us without protection and certification that we are protected, they may not be able to give it to us. This would allow them to give information that may protect Canadians from injury and we could provide protection for that information.

A great deal has been said about these attorney general's certificates. In response to comments received from witnesses a number of changes were made in committee, on government motions, concerning these certificates. Following is a list of some of these changes.

The first change is that the certificate can no longer be issued at any time but only after an order or decision for disclosure, for example, by a federal court judge in a proceeding.

The second change, and a major one, is that the life of the certificate is limited to 15 years unless the certificate is reissued.

The third change is that the certificate would be published in the *Canada Gazette*.

The fourth change is that the certificate would be subject to a review by a judge of the Federal Court of Appeal.

Finally, the existing provisions and process for the collection, use and protection of information are preserved under the Privacy Act and the Personal Information Protection and Electronic Documents Act.

Bill C-36 would allow the attorney general to issue a certificate in connection with a proceeding under the Canada Evidence Act to prohibit the disclosure of information for the purpose of protecting national defence, national security and information obtained in confidence from or in relation to a foreign country.

The attorney general's certificate process is intended to apply in exceptional cases only as the ultimate guarantee that ensures the protection of very sensitive information by the Government of Canada. The protection of this information is of particular concern in relation to information obtained from our allies.

When information is given on the condition that it not be released to a third party without the consent of the originating country, and where the consent is not given for such release, we must be in a position to meet our obligation. The attorney general's certificate provides the means to do so. It provides an insurance and an absolute guarantee that this information will be protected. The certificate could only be issued personally by the Attorney General of Canada and only where very sensitive information is threatened by disclosure in individual proceedings. It does not exempt entire departments or all information from the Privacy Act or the Access to Information Act.

Where a certificate has been issued it would also prevent the disclosure of the same information contained in a record under the Access to Information Act or the same personal information of a specific individual under the Privacy Act and the Personal Information Protection and Electronic Documents Act. It would be

pointless to protect information from being disclosed in proceedings when the same information could be disclosed under the Access to Information Act. The certificate would also suspend only the right of access under the Privacy Act and the Personal Information Protection and Electronic Documents Act, but the existing provisions and process for the collection, use and protection of personal information would be preserved under these acts.

• (1650)

The amendments made in the committee restrict the timing of issuance of a certificate. Initially the wording of the bill allowed for the attorney general's certificate to be issued at any time. The bill now has been amended to stipulate that the certificate could only be issued after an order or a decision for disclosure of that information has been made in a proceeding.

Some concerns have also been expressed that in the absence of a review mechanism and a specific limit on certificates, the power to prevent disclosure could be used too broadly. The government has listened closely to Canadians on this issue. The certificate process was amended so that a judge of the Federal Court of Appeal would be given an independent review role to ensure that the limited scope of information for which the certificates may be issued under the legislation is respected. Further, the certificate is now limited in time. It expires after 15 years but could be reissued by the attorney general. Finally, each certificate would be published in the *Canada Gazette*.

These provisions allow the government to continue to continue to protect highly sensitive information. This stability is essential in order for Canada to play a meaningful role with its international partners in confronting terrorism, both at home and abroad.

To conclude, I cannot help but think of the people in the World Trade towers a few minutes before the planes hit, the secretaries and other workers who were mothers and fathers, and more important, of their children who were at daycare, in school or at home. I cannot help but think that every day innocent Canadians, innocent parents, also go to their workplaces. Hopefully we can do anything in our power so that these parents who are in the workplace every day in Canada will return home that evening and not be prevented from doing so by some ruthless terrorist attack.

• (1655)

**Mr. John Cummins (Delta—South Richmond, Canadian Alliance):** Madam Speaker, September 11 revealed that Canada was not prepared and was in fact ill equipped to deal with terrorists operating within our country who had as their objective the destruction of our society and that of our neighbour, the United States.

*Government Orders*

The federal government had downgraded security at our borders. Immigration officers were woefully ill equipped to ensure that our immigration laws were not misused by those who came to Canada to engage in terrorism. In addition, the refugee determination system was packed with political cronies of the government who were prepared to put narrow political interests ahead of Canadians. Our security service, CSIS, had been downgraded through aggressive cuts to its budget and a general disregard for what it was designed to do. Our armed forces had been systematically run down by this government. The numbers in our military have drastically declined, as have the military budget and equipment, since this government came to office. September 11 exposed the government's failures.

Clearly there is a need to act to protect Canadians. We have a right to feel secure, to feel that we are safe from terrorist threats. September 11 revealed that we are not safe.

In the rush to respond to the public's desire to feel secure at home, the government has brought before parliament legislation that is designed to make the government appear to be protecting Canadians. The emphasis of the government has been on appearances. The result has been poorly thought out legislation designed to make the government appear to be tough on terrorism. Some of the critics of the government and the legislation have tended to focus on the loss of civil liberties. I have a great deal of sympathy for their concerns.

Professor Don Stuart of Queen's University Faculty of Law wrote a paper entitled "The Dangers of Quick Fix Legislation in the Criminal Law: the Anti-Terrorism Bill C-36 should be Withdrawn". It appeared in a recently published book from the University of Toronto Press which addresses these issues.

Professor Stuart states:

What cannot be supported are the complex new criminal laws in Bill C-36. When the State turns to its power to punish and imprison the standard of justification should be high. Basic principles of a criminal justice system that deserves the name require the State to prove both that the individual acted and was at fault, that responsibility is fairly labelled and that any punishment is proportionate to the accused's actions. In my view the creation of the crimes in Bill C-36...cut across these principles and should be withdrawn. The new State power grab is unnecessary, will not make Canadians safer—

I do not think the government has adequately responded to the criticism of people such as Professor Stuart.

While parliament must give expression to and effectively articulate such concerns, we must make it clear that our normal criminal laws were essentially designed to deal with those who are attempting to better themselves through criminal acts as opposed to those who are bent on destroying our society. If we need extraordinary measures to deal with those who are bent on destroying our society, then parliament must be presented with clearly defined measures to deal with these special threats. I have trouble believing that Bill C-36 will address the real problems that have undermined Canadian security.

The government has proposed Bill C-36 as a way of convincing Canadians that their security interests are being protected and that the government is taking action to ensure that terrorists cannot operate in Canada to advance their causes. The reality is that Bill C-36 may do little to protect us from terrorism and yet may unnecessarily infringe our historic rights as citizens in a free and

democratic society, rights that have been in development since the Magna Carta.

I find the comments of Linda Williamson in the Toronto *Sun* on November 22 helpful. She stated:

—we now have experts warning that the anti-terrorism bill, in practice, won't really make much difference—it's legally cumbersome and inefficient. That's the discussion we should be having, given this government's weakness for awkward, ineffective and largely symbolic legislation—

She goes on to state:

While everyone's been indulging in esoteric, academic argument over whether this law might conceivably do harm, we should be asking whether it will do any good. Will it actually help police and our courts stop terrorists and severely punish them? Or is it just another PR exercise, designed to make the government look like it's doing something (and a clumsy one at that)?

I believe that the sunset provisions are inadequate. There are no effective measures for parliamentary oversight. The three year parliamentary review provisions in the bill do not require an actual vote.

The fisheries committee has just completed such a parliamentary review of the Oceans Act. From my experience with the review of the Oceans Act, I can advise that such a review provision has little value and is dangerous if it is considered to be a substitute for real parliamentary oversight.

I have little confidence that this government will act appropriately in applying these laws.

We know that the government has sought to limit the power of parliamentary commissioners such as the auditor general and the information commissioner. I remain concerned that the government will use Bill C-36 to protect itself from the scrutiny of these officers of parliament. Such actions will not advance the security needs of Canadians. Instead they will advance the political security needs of the government rather than the people.

Professor Stuart of Queen's University expresses the concern that the government will apply political expediency in its application of Bill C-36. He states:

Expect Canada to embrace George Bush's most wanted list which excludes well established groups...not because they don't fit violent terrorist criteria but for reasons of political comity and expediency.

Fishermen on the west coast have protested the government's undermining of the public right to fish. As a fisherman and as a member of parliament I have joined fisherman in these protests designed to protect their historic right to fish. Would I and other fishermen fall under the net covered by Bill C-36? A government that would flout the constitutional and common law right of fishing could not be trusted to protect their right to freely protest the government's actions.

It was a desire for political expediency and for vote getting that caused the government to refuse to deal with the surges in illegal immigration and the swamping of our refugee determination system.

Australia has addressed these real threats to its security and immigration laws while Canada has brought forward Bill C-36, which fails to address the security issues in the failed administration of our immigration laws. Diane Francis, in the *National Post*, recently summarized the problem. She stated:

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—In early October, Australia got its act together regarding bogus refugees. Like Canada, it has been flooded in the past and has finally gotten wise. Philip Ruddock, Australia's Minister of Immigration, announced: Anyone arriving from a safe country by illegal means will be returned. Anyone arriving without documentation will be rejected. A refugee who leaves the country cannot return. A refugee cannot bring dependants along. Those convicted of smuggling people will be given severe prison sentences.

Philip Ruddock stated:

By assisting us in our fight to repel the activities of people smugglers, these new laws will enable us to help those who are most in need of help—those people languishing in refugee camps around the world...In recent times the number of people entering Australia illegally meant we had no choice but to divert humanitarian program places away from our offshore program, which helps people identified as being in need of resettlement by the UN.

Canada has long, sparsely inhabited coastlines on the west, the north and the east coasts. Last week at its hearings in British Columbia the fisheries committee learned firsthand how much of B.C. is unmonitored. While Canada has the ability to use radar to monitor vessels coming into Canadian waters, the ability exists only on the lower half of Vancouver Island. The bulk of the west coast is open to all illegal arrivals, whether bent on mere economic gain for themselves or on terrorism.

In Ontario and Quebec there has been an illegal flow of people and goods at Indian reserves that straddle or abut the Canada-U.S. border. The government has refused to take effective measures. I doubt that Bill C-36 is needed to address this problem and I doubt that it is likely to help address this problem. The problem up to now has been a lack of political will, not merely a lack of effective statute law. Bill C-36 is not a substitute for political will.

The failure of the government to respond to terrorism in the air by putting air marshals on passenger aircraft is but an example of the government's refusal to take concrete measures to protect Canadian citizens.

I find Bill C-36 troubling and in the final analysis I would be uncomfortable supporting it. I am concerned that the government may well use the new power provided in Bill C-36 to stamp out legitimate dissent while at the same time ignoring the real threats to Canadian society posed by our porous borders.

• (1700)

[*Translation*]

**Mr. Stéphan Tremblay (Lac-Saint-Jean—Saguenay, BQ):** Mr. Speaker, as far as Bill C-36 is concerned, clearly we want efficient legislation that can adequately meet the needs of an emergency situation, but it must not disturb the delicate balance between people's safety and their rights and freedoms.

We stated unequivocally that any legislation sacrificing freedom would be tantamount to capitulating to terrorism, and that terrorists would get their way.

The choice before us as legislators is obviously a choice about security, but first and foremost, it is a choice about society. We must make decisions which, at the end of the day, are responsible ones, decisions that guarantee the safety of the women, men and children that we represent in this House, but which are also clearly protecting their rights and freedoms.

There are many aspects of this bill that are open to criticism. In order to begin studying the group of motions that are of interest to

us, let us say that the bill allows the governor in council to put entities on the list of terrorists without any legal authorization.

What is more, there is no mechanism allowing anyone on the list access to evidence against them, which makes it impossible for them to challenge their inclusion on the list. The consequences of being put on the list are very serious. By virtue of being on the list, anyone unfairly listed would be precluded from renting an apartment, opening a bank account, and so on.

We were also calling for a three year sunset clause to apply to every clause of the bill. This legislation is in response to a situation that can only be described as exceptional, and we accept that. We must act responsibly, and the government must resort to certain powers that will not be required after a certain amount of time.

The minister agreed to include a clause which, in our opinion, is not a sunset clause, since it only applies to two provisions: preventive arrest and investigative hearings, and this for a five year period.

As for the legislative review, we proposed an annual review by an independent commissioner who would report to the Standing Committee on Justice and Human Rights, which could then make recommendations to the House. This bill is an exceptional bill in response to an emergency situation, hence the importance of setting up a review mechanism that is thorough and appropriate.

Unfortunately, the minister preferred instead to have the ministers responsible for implementing the act report only on the number of preventive arrests and of investigative hearings.

We proposed amendments to limit the definition of terrorist activity. The minister's promised open-mindedness and attentive ear resulted in their rejection. Even with the minister's amendments, it is still possible for people demonstrating during a strike, for example, to fit perfectly into the definition of terrorist activity in the bill, so here is some impact.

In the case of access to information, to ensure greater transparency we wanted the information commissioner to have full authority over the application of the Access to Information Act. However, the attorney general will be able to remove information without any safeguard provided, something the information commissioner roundly criticized.

What about the complaint of the Minister of Fisheries and Oceans, who called for a sunset clause too? What happened to the opinion of a number of important witnesses who appeared before the Standing Committee on Justice and Human Rights, who warned the minister against an abuse of power and a lack of transparency in the application of the law?

What about the testimony of the president of the Quebec bar association, the president of the Canadian Auto Workers Union, the Canadian information commissioner, the privacy commissioner and the Canadian Bar Association?

Warnings came from his cabinet colleague, the Minister of Fisheries and Oceans. In the light of what happened in committee, clearly the minister did not heed or hear the testimony of experts during committee deliberations.

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• (1705)

I was very much in favour of the bill's consideration in committee, so that we might have a real debate and hear the views of experts like the ones I have just referred to.

To our satisfaction, the amendments proposed by expert witnesses and their criticisms were more or less in line with the Bloc Québécois position. Then, when the minister introduced her amendments, the total opposite happened. It is clear that the minister is doing as she pleases.

We have shown nothing but good faith from the start of the debate on Bill C-36. We could see, however, that we were dealing with a minister who is doing just as she pleases, not just once, but twice. She has shown that her mind is made up and it has nothing to do with rights and freedoms and transparency. She took us in with her talk of open-mindedness in committee, but then our 66 amendments ended up rejected.

She also did just as she pleased in connection with Bill C-7, when all of Quebec clearly indicated to her that she was on the wrong track. She chose to dismiss out of hand Quebec's expertise, the best there is in connection with young offenders, imposing on Quebec a system that is totally the opposite of the Quebec way of doing things.

Given the way things went in committee, the Bloc Québécois will be voting against this bill, because it goes far too far and is therefore unacceptable.

• (1710)

[*English*]

**Mr. Roy Cullen (Etobicoke North, Lib.):** Madam Speaker, I am pleased to enter the debate on Bill C-36. I believe many members like myself will support the bill, reluctantly in one sense because we find it offensive, but in my opinion this is a necessary response to some extraordinary circumstances that call for an extraordinary response.

The bill will show that it reflects and meets the demands of the Canadian Charter of Rights and Freedoms. The government has been very responsive in the amendments that it introduced. The five areas of amendment will go a long way to make the bill more palatable to Canadians and because of that I will be supporting it.

What would the bill do? It would ensure tougher sentences for terrorist acts and make it a crime to support, help or harbour terrorists. It would make it easier for police and security agencies to investigate terrorists and their supporters. It would make it a crime to collect funds for terrorism and would make it easier to deny or remove charitable status for organizations that are fronts for terrorism.

It would keep terrorists from getting across our borders and would make it easier to freeze the assets of terrorists. It would establish stronger penalties for hate crimes and would show Canada's solidarity with other countries fighting terrorism by ratifying the UN anti-terrorism conventions.

What would the amendments do? The amendments are in five key areas. First, sunset clauses would be added to the preventive arrest and investigative hearing provisions in addition to the three year parliamentary review of the act so that they expire in five years.

Second, the Attorney General of Canada, Solicitor General of Canada, provincial attorneys general and ministers responsible for policing would be required to report annually to the public on the use of the preventive arrest and investigative hearing provisions of Bill C-36.

Third, the word lawful would be deleted from the definition of a terrorist activity. Fourth, an interpretative clause would be added to the bill clarifying that the expression of political, religious or ideological beliefs is not a terrorist activity. Finally, the provisions concerning facilitation of a terrorist activity would be reordered so that they clearly state that in order to be guilty of an offence an individual must know or intend that his or her act would help a terrorist activity to occur. These amendments would go a long way to making the bill a good bill.

I have a very large Muslim community in my riding. I visited the mosques and the people are concerned that there might be reactions against the Muslim community; in other words blaming the many for the actions of a few. I am glad that the bill establishes stronger penalties for hate crimes as this type of activity is not to be tolerated.

I also have a large number of Tamils in my riding. Their organization, FACT, has been attacked by members opposite as being a terrorist front. This organization is a cultural organization and its members are concerned that their organization will be swept up in the definitions of terrorist activities. I have spoken to the solicitor general and I would like to make it a matter of public record that any such move should be strongly supported by facts and not by innuendo that might come from other sources. I am sure our agencies, departments and ministers will make sure that is the case.

I have many Somali Canadian refugees in my riding who transferred money to Somalia. They used the al-Barakaat agency which was a money transfer operation. It was effectively barred and that is unfortunate. Al-Barakaat was seen on the one hand to finance terrorist activities. There were many Somali Canadian refugees in my riding who sent small amounts of money to Somalia. These were amounts that were supporting relatives and friends in Somalia in very remote locations and al-Barakaat was the agency that had the broadest reach and was most credible.

• (1715)

I have addressed this with the ministers to see if there would be a way to have legitimate money transfer operations continue. However, I do understand that it is complex and it is difficult to do that.

With respect to those organizations that could be added to the list of terrorists, I am pleased that the process of adding a group to the list of terrorists incorporates a number of protections, including the provision for removal, judicial review and safeguards to address cases of mistaken identity. As well, the list must be reviewed every two years by the solicitor general.

The question of refugee claimants is a very important issue. In Canada we have a very tolerant and progressive policy. We welcome those people who deserve the protection of Canada. Unfortunately, there has been some abuse.

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I am glad to see that the Department of Citizenship and Immigration is receiving \$17 million. I think more will be needed and I hope that will be addressed on December 10. A more thorough review will be given of the background of refugee claimants to ensure they do not have terrorist activities in their background and also to make sure of their identity. The fact that a refugee who arrives here in Canada has no documentation by and of itself should not be tremendous cause for concern. Many refugees arrive in Canada with just the shirts on their backs if they are lucky. We need to be careful about broad-brushing those people who arrive without documentation as being automatically suspect. It behooves us all to make a very special check.

I have been arguing for some time that we need to make sure refugee claimants are brought before the Immigration and Refugee Board and tribunals more quickly so that a determination can be made. If there is a concern that they will not appear at their hearing, they should be detained. We have that ability now under the current legislation and the bill reinforces that. That is an important step we are taking.

There is the whole question of border issues. Some popular press says that the Americans are looking to us to tighten up our borders and if we do that, then we can move our goods back and forth more freely. I do not think that is the case at all. I do not think the Americans are looking for this so-called perimeter harmonization, integration and all those buzzwords.

The American ambassador used a term the other day with which I feel more comfortable. He called it a comfort zone. Yes, we need to ensure that we have a comfort zone. In 90% of the cases we may agree with the Americans on what is appropriate policy at the border, but in 10% of the cases we may not. We need to have that flexibility as a sovereign nation to decide for example that we do not welcome handguns in Canada. I could name other situations where we need to exercise our sovereignty.

Having said that, I believe that reasonable people, which I think we are as a government and the Americans are as a government, will agree on 90% of what is needed to make our borders more secure and to allow the free flow of goods. In fact, this parliament approved a bill not too long ago which modernizes the Canada Customs and Revenue Agency and allows for the lower risk volume of traffic to move more freely with sanctions if they do not live up to the expectations.

I would like to see U.S. customs adopt pre-clearance and pre-authorization so our goods can start moving in that direction. I was very happy that our Minister of Finance and our Minister of National Revenue reached some compact with the U.S. secretary of commerce to fast track these border issues, to deal with infrastructure, to deal with policy and to ensure that our goods move back and forth, because trade between Canada and the United States is so vitally important to all our citizens.

To wrap up, let me say that the bill with the amendments is a necessary piece of legislation. There are sunset clauses to ensure that some of the more difficult provisions are lapsed. However, we will honour our national conventions when it comes to terrorism. We will make sure that the charter of rights and freedoms, which we value so much as Canadians, is respected. We will move on border issues. We

will move on immigration issues. The government, I am sure, will address the terrorist elements that are here in Canada and the movement of funds. Overall we will achieve our objectives with this legislation.

• (1720)

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Madam Speaker, I appreciate the opportunity to participate in the debate on this group of amendments to Bill C-36. As we have heard from other of my colleagues in the New Democratic Party, we certainly support the amendment before us and other amendments that we are dealing with at this stage, but oppose the bill without some major acceptance of the amendments being proposed.

It is rather ironic that today of all days we are dealing with the heavy hand of closure by the Liberal Government of Canada. All of us will recall that today is the anniversary of our election, whether as a first, second or many term member to the House. It should be a day of celebration, a day to celebrate democracy, not to be sidelined and bowled over by the heavy hand of closure, which is the reality today.

One year ago we were elected or re-elected to stand and represent constituents and Canadians from one end of the country to the other. We were elected to represent, we were not elected to rubber stamp an arbitrary government measure. We were elected to debate and make tough decisions based on the collective good and the public interest. We were not elected to ride roughshod over the rights and liberties of individual Canadians, yet today we are faced with just that.

It is a sad day, a very dark moment in the history of the country, since so much is at stake. So much of what we are dealing with is fundamental to who we are as a nation. The broad, wide, sweeping powers of the legislation, the substantive change that the bill represents are contrary to the fundamental values of Canadians. In no way is it an answer to what the government suggested is the threat of terrorism as we know it today.

I listened very carefully to the member for Etobicoke North and to others throughout the debate. It is clear to me that they are very much trying to defend the indefensible. It is impossible to pretend to be dealing with the threat of terrorism, which we all agree must be dealt with, by stepping over the rights and privileges of Canadians and dismantling the institutions that hold this country together and the values we hold near and dear to us.

In opposing the legislation without substantive amendments, the New Democrats did not vote against improving the security of Canadians. In fact, the contrary is the case. We are expressing our concern with the bill and raising a challenge to the government in order to find mechanisms to defeat terrorism without defeating basic rights enjoyed by all Canadians.

I quote a *Globe and Mail* editorial on October 1 in response to all those who suggested that Canadians desperately want this kind of bill that stamps all over the rights of individual Canadians, as there is a question as to whether that is the case or not. The editorial said:



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Although Canadians desperately want to see evidence that the federal government is taking strong and meaningful measures to improve national security, there is no evidence that Canadians want to hand the government carte blanche to create a nation where important protections may be suspended arbitrarily if it seems handy.

That is the issue we are really dealing with today. It is that balance between protecting Canadians' against terrorism and ensuring their security while standing up for individual freedoms and liberties that we fought so long and hard for.

Many groups and concerned Canadians made presentations and sent us faxes and e-mails to let us know their concerns. Those concerns by and large were not taken into account by the government in a very heavy-handed process through the committee stage and into the House today. Those concerns ranged from preventive arrest right through to the definition of terrorism. I want to focus for a moment on that issue because it overlaps directly with the concerns we heard about Bill C-11 on immigration and refugee policy.

● (1725)

During those hearings concerns were raised around the fact that we do not have an accepted universal definition of terrorist. This makes it a questionable and weak legal term and one that is open to wide abuse. The label terrorist is often used as a political weapon against a government's opponents without any basis in fact. It is often a propaganda weapon used to discredit legitimate opposition. For these reasons my NDP colleagues and I proposed an amendment to improve the effectiveness of Bill C-11 by dumping the fuzzy language and basing our security provisions on sounder security grounds and verifiable evidence.

The definition we are dealing with today in Bill C-36 presents exactly the same problem. It may make us feel good but when it comes to enforcement, the water muddies and it comes down to personal biases and techniques such as profiling certain groups. That is exactly what has been happening. How can the government rationalize a system that holds someone like Ribhi Sheikh in custody for 57 days, 23 of which were in solitary confinement, for no apparent reason except he is Palestinian in origin? I do not need to tell members of the House that many other Canadians have been detained in the same way.

If the police are profiling identifiable groups as potential terrorists, how is the public going to react to those groups? By the religiously and racially motivated hate incidents that we have seen multiplying since September 11. This is totally unacceptable in Canada and is totally predictable with the approach the government is taking.

The government of the day is putting whole sections of our population under suspicion, suspicion by law enforcement officers and suspicion by their neighbours and friends. Children are being targeted with slurs. Families are being made to feel unwelcome in their own country.

We have to say again and again that there is a better way to protect Canadians. However the government has chosen to ignore honest propositions and responsible alternatives from groups all over the country, in particular groups that deal with immigrants and refugees on a daily basis. Many organizations, like the Canadian Council for Refugees, have offered clear alternatives that strike a better balance

between security concerns and civil liberties. We can limit terrorist activity to specific internationally recognized offences. That is clear.

Many Canadians have fought long and hard to protect our fundamental freedoms, freedoms that the bill walks all over. One of the greatest threats to our whole political system is the undermining of our freedom of association. Guilt by association breaks down our trust of each other as was so amply demonstrated by McCarthyism in the United States. This bill reeks of guilt by association.

All of us are probably members or supporters of organizations of one sort or another, yet we cannot be expected to know about every connection to other groups. The average Canadian has no idea about all the interlocking corporate connections where their savings are invested, and that is one of the most sophisticated systems in the world. How can we expect every refugee to know as much as our intelligence services do about activities that function on secrecy?

Bill C-36 flies in the face of that basic quest for accountability and openness. It flies in the face of our basic legal premise that people have a right to know what evidence is being used against them in order to offer evidence to the contrary, if they have any. How are persons fleeing persecution with only the clothes on their backs expected to present their cases as refugee claimants without even knowing what or through whose information they are being challenged?

● (1730)

When Bill C-11 was under review many of us in the House, and from other parties as well, fought very hard for legal protections that we value and are enshrined in our charter of rights and freedoms to be applied to our immigration and refugee process. We said at that time and we repeat today that without the right to defend oneself, any hearing or legal process is a sham.

Canadians have spoken and I hope the government will listen. Many Canadians have made these points over and over again but they have not been included or incorporated in the bill. I want to refer to a few Canadians who have expressed concerns in very moving ways. A woman by the name of Margo said:

I am afraid of this legislation as written, very afraid. I am afraid for myself as a concerned citizen, someone who might choose to speak out, or march in a protest against perceived ills in our society or "for" something I believe in; I am afraid for my children who may choose to exercise their once-democratic rights in the future, and who will do so with their rights of expression and dissent no longer enshrined as they always have been. Yes, we need to make our country safe and as secure as possible against terrorism. But not at the price of abrogating our fundamental democratic rights.

Canadians have spoken. I hope the government will listen.

[*Translation*]

**Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ):** Madam Speaker, I am truly pleased to have this opportunity to address Bill C-36 at report stage.

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As the hon. member for Winnipeg North Centre who spoke before me said, this is a truly sad day. Bloc Quebecois members and other members in this House were up front regarding Bill C-36.

We listened to the minister who told us time and again "Wait, the committee will hear witnesses. We will listen, we will take into account what happens, what we hear and what is said in the briefs submitted to us".

In order to speed up the process for Bill C-36, the Senate was even asked to work in a parallel way and do an initial review of the bill to try to determine what it thinks of it. This was done to speed up the process.

This is rather surprising, but some 80 witnesses appeared before the committee. The Bloc Quebecois members who sit on the committee read all the briefs that were submitted. They heard and reviewed all the evidence given by those who appeared before the committee. This was truly done in a non-partisan spirit. We told ourselves that no one could forget what had happened on September 11, that we had to fight terrorism, that we had to create conditions that would allow everyone to be comfortable in that process, so as to defend ourselves, even though it is almost impossible to defend ourselves against terrorism.

The Bloc Quebecois also played by the new rules of procedure. We tried to find a way to avoid endless sittings with thousands of amendments. We dealt with the core of the issue. After listening to the evidence and reading the briefs, the Bloc Quebecois presented 66 amendments based on what the public really wanted.

None of these amendments were accepted, except for one. It is almost a joke to say that the government accepted something coming from the Bloc Quebecois.

The clause about mischief in relation to property associated with religious worship said that these crimes could take place in a church, mosque, synagogue or temple. There could also be mischief in connection with an object associated with religious worship located in such a building or structure, or on the grounds of such a building or structure. The Bloc Quebecois wanted the bill to include mischief committed in a cemetery.

The government agreed. When the Bloc members are in the cemetery, they are no longer a threat. The government was therefore able to agree to this amendment put forward by the Bloc Quebecois. Henceforth, mischief committed in a cemetery will be taken into consideration.

• (1735)

I am even hearing government members say that the minister put forward amendments. The Liberal member who spoke before the New Democratic Party member said that he was very pleased that a sunset clause had been added.

We wanted the entire bill to be subject to this clause, except, of course, for the provisions implementing international conventions. We wanted this clause applying to the entire bill except in the case of international conventions, to be in effect for three years. In three years, the legislation would have lapsed.

If the government or the minister wanted to be able to continue to use this act, the government then in power would have to pass a new bill, going through all stages, including first and second reading, consideration in committee, amendments, and report and third reading stage, as we are doing now with this bill.

What sort of amendments did the minister put forward? First, she proposed that the limit be five rather than three years and that the clause apply in two instances only: investigative hearings and preventive arrests. Naturally, our party voted against the minister's amendment in committee.

The clause proposed by the minister is not a true sunset clause. It sets a five year limit for only two clauses, but the law is going to continue to apply, with its entire process, with all its intensity.

If it is to be continued past those five years, it will take nothing more than a motion by the two Houses to extend the two clauses I have referred to by another five years; they will not be reintroduced into the law and will not undergo the legislative process. All that is required is a vote by the two houses.

As we know, in the one chamber as in the other there is a majority, a vocal majority, even if it is against the wishes of the people, with the majority of seats in this democracy. We know very well what might easily happen with this fake sunset clause.

It will be impossible to make any amendments to the wording of provisions. If it is realized that these clauses are really not desirable for the population, they cannot even be changed. They can be eliminated completely, because this will happen automatically.

This is pretty strange, however, when the minister says she wants to hear what people have to say. My goodness, I think she may need to have some kind of testing done to determine what is going on: whether she does not hear, or she does not listen, or she does not grasp what she hears, or she does not retain what she hears. The minister certainly has some kind of problem. It is very clear that something is the matter with her.

We also wanted an annual review of the legislation. We wanted there to be an independent commissioner with the responsibility of monitoring application of the law. We also wanted that commissioner's report to be submitted yearly to a House committee, to be examined, and to be the object of a committee report.

I am surprised to see my time is coming to an end. I will close by saying that once again the minister has not backed us up. She has not listened to anyone from this side. The Minister of Justice and the Solicitor General of Canada are the ones who will be responsible for enforcing this law, for evaluating themselves, for patting themselves on the back, for continuing to enforce the law, and no one will be able to make any amendments.

• (1740)

[English]

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Madam Speaker, I rise in the House to express the concerns I have about certain aspects of Bill C-36. The bill impacts on the civil liberties of individuals. The Canadian Charter of Rights and Freedoms states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Bill C-36 changes the normal judicial process and accountability. An open trial might go out the window if a person or organization is suspected of terrorism. It lacks transparency. Individuals have no right to know why they were listed as an entity suspected of terrorism or to contest whether the source used to make these accusations was reliable. One judge made this determination in camera.

Bill C-36 undermines the security of a person. Under the bill individuals need only to be found to have made a financial donation to a charity that is suspected of supporting terrorism to have their reputation and life ruined. Individuals are listed as supporting a possible terrorist entity whether that charity is indeed found to be supporting terrorism. A shadow of suspicion has been cast that can never be removed.

We all recognize that one of the most important things we need is to dedicate more resources to policing, immigration and other agencies that enforce existing laws. I trust we will be doing that in the next budget. We can protect Canadians by keeping out those who would do us harm by developing the shared North American protection perimeter to screen out terrorists with our friend and ally to the south.

However the legislation we are debating gives extraordinary powers to the solicitor general, the courts and the police. It must contain at the very least a feature of accountability.

I notice that the motion for a parliamentary oversight committee will not be voted on since it was ruled out of order. I regret that because the amendment would have protected one of our most basic tenets of democracy: accountability to this Chamber. This accountability is absolutely necessary because without it we lose an essential element of the democratic process. If we fail to protect the process we will lose it.

The motions in Group No. 4 ask for a three year sunset clause, except for those provisions implementing United Nations conventions; a multi-party oversight committee annual report to the House; and a time limit to be placed on the sections dealing with changes to the Canada Evidence Act as it relates to the registration of charities. These amendments, along with those accepted by the government arising from the deliberations of the standing committee, represent the minimum acceptable standards of accountability.

I am intimately aware of the value of civil liberties as someone who has lived under the repressive heel of a totalitarian regime. I have a very deep and abiding fear that in the name of national security we may sacrifice civil liberties unnecessarily and in so doing endanger our democracy and the democratic process. We rely upon

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this process to ensure that the security of person, citizenship and basic human rights and freedoms are maintained and protected.

In their submission to the Standing Committee on Justice and Human Rights civil liberties, law associations and groups representing Muslim, Arab and other ethnic communities expressed deep concerns about the danger of sacrificing, civil liberties for the purposes of national security.

The member for Edmonton—Strathcona, the only Muslim member in the House, put forward those concerns very eloquently. I share those concerns that in times of political and social stress such as the threat of terrorism civil liberties and human rights must not be discarded. It is during times of crisis that they are most needed.

I have been following with keen interest the debate in the House and the submissions and representations of witnesses to the standing committee. I observed media commentaries, debates and town hall style meetings that took place across the country regarding the anti-terrorism bill.

My impression is that Canadians are asking us, their representatives, to remain vigilant, to ensure that accountability is retained and that the duration of the extraordinary powers of the bill be limited. The government is saying to trust it to reduce civil liberties in the name of security and trust it not to abuse human rights.

• (1745)

Members of the House know of my battle against the current citizenship revocation process. I consider it to be a gross abuse of human rights and in contravention of section 7 of the charter. The decision to revoke citizenship is made by cabinet in star chambers using the rationale that it does not want Canada to become a haven for war criminals or people who have committed crimes against humanity. This appears to be a most worthy objective, but unfortunately the reality is quite different. Through this process the government tars people with the brush of being war criminals or human rights violators without producing a shred of evidence in court to back up these charges. It does not allow those accused to properly defend themselves.

It subjects people to a process of citizenship revocation under the guise of fighting violators of rights and freedoms and ultimately deportation which tramples on their civil liberties and human rights. It is a horror story for those involved and their families. With one notable exception the process of citizenship revocation was opposed by every one of over 50 groups because of their concern about the revocation process.

Last weekend in British Columbia at its biennial policy convention the federal Liberal Party passed a resolution moved by Diana Recalma, the policy chair of the Nanaimo-Alberni federal Liberal riding association. It asked for the right to appeal in the case of citizenship revocation so that the decision would be taken out of the hands of a political body, namely the cabinet.

*Government Orders*

In the last number of days we have had another example of a human rights abuse caused by this flawed process. It is against a 92 year old man suffering from Alzheimer's disease who lives in a nursing home and is incompetent to stand trial. However under the guise that he was involved in war crimes, a charge that the government will not back up in court, this man will in all probability be stripped of his citizenship. If he lives long enough he may be deported under a process that I consider fraudulent. I do not want this brand of terrorism to be applied against individuals unless they have the right to defend themselves.

The government introduced the anti-terrorism bill because of the terrorist acts of September 11 and I support that. What the government is saying in the bill is to let it curtail some of our civil liberties and rights in the name of the war on terrorism.

The fact that the government introduced an anti-terrorism bill in light of September 11 was the right thing to do. However cutting off debate on the bill is not in the interest of producing the best possible legislation.

Members should make no mistake that the bill would negatively impact on civil liberties. Canadians are ready to accept some curtailment of their rights in the name of collective security. However Canadians are concerned that their civil liberties are impacted only to the extent necessary for collective security. We must get it right. Canadians do not want their rights abused.

It is important to remember our history of human rights abuses. In the course of our history relatives of members now sitting in the House were interned in detention camps. There are members in the House who belong to ethnic and religious minorities who were discriminated against by past governments. It is as a result of these collective experiences that we created our cherished charter of rights and freedoms.

The more we disrupt our way of life, the more the terrorists win. We must never sacrifice the principles that form the basic foundation of our democratic state.

It is important to remember that the war we are pursuing in Afghanistan is against terrorism, but we are also fighting for human rights including the right of women to take their place in society and little girls to be able to go to school. It would be ironic that we win the war against terrorism at the expense of Canadian human rights and civil liberties.

• (1750)

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Madam Speaker, I commend the hon. government member who just spoke on the bill. I give him a lot of credit for his courage in standing up and taking a position against his government. This is one of those bills that is important enough for him to do that. I am surprised and shocked that there are not more on that side who would do the same because many of them have serious concerns about Bill C-36.

Many members wanted amendments made to the bill. We are at report stage with the government invoking time allocation which would allow the House only about 16 hours to deal with the amendments. That is not enough time. In question period the Prime Minister bragged that he had allowed 60 hours in committee for a bill with such a potentially negative impact.

Many say that it is a matter of balancing civil liberties with the security of the nation. The Canadian Alliance is the party that pointed out problems in our system. We have been asking for stronger security to protect the country and its citizens. We support many things in the bill because it would move us in some way toward providing better security, although we do not think it would go nearly far enough in terms of protecting our security in many areas.

There are those who say that it is a matter of either allowing people their civil liberties or providing security. I suggest they are not really looking at the whole issue in a very comprehensive way. There are many instances in the legislation where it is not an issue of curtailing civil liberties when it would improve security. There are many ways in which parliamentary oversight could be put in place. This oversight would protect civil liberties but not at the expense of security.

I would like to talk about the CSE, the Communications Security Establishment, which is overseen by the Department of National Defence. It is one of Canada's intelligence services and employs about 1,000 people, mainly civilians. These individuals listen in to various types of electronic communications from around the world. It was aimed at communications outside the country until this legislation came forward.

It has not monitored residents of Canada as far as we know, at least not to any great extent as required by law, although the oversight is inadequate for us to be sure of that. It does not provide for the current oversight and the kind of protection we would expect when it comes to an intelligence establishment that could have a huge impact on the life of individuals.

In spite of what has been said the new legislation would give the CSE the power to monitor a Canadian citizen. For example, the monitoring could start outside the country and continue if the citizen moved to Canada. It could monitor a conversation between two Canadian citizens inside Canada if the monitoring started outside the country and these citizens moved to Canadian soil. The oversight has not been improved if one considers the greater ability being given to this establishment that would impact on the lives of Canadians.

• (1755)

I suggested at committee that SIRC, the body which oversees our intelligence establishment CSIS, oversee the CSE as well. It would make perfect sense. There are a lot of situations where the CSE deals with CSIS because the two agencies work together. One monitors communications outside Canada. The other focuses mostly within Canada although it sometimes goes outside the country. It would make perfect sense for SIRC to oversee the CSE.

What kind of oversight is provided for in the legislation? The oversight would be directly from the minister. We all know we need more oversight than that. I will not speak about this minister but any minister could in some way be compromised and not looking out for the best interests of Canada. We have seen it happen in many cases throughout history. We must be able to look at a situation and feel confident no matter who is the minister.

*Government Orders*

The minister through cabinet and an order in council appointment appoints a commissioner to oversee the CSE. We have the minister and we have an appointment recommended by the minister. That is the extent of oversight.

In committee the minister and others have said the privacy commissioner and information commissioner would provide oversight. In some cases that is true but in many cases, particularly when tied in with other provisions of the legislation, the two offices would not be able to provide oversight. They would be specifically restricted from doing so in certain circumstances.

This is an extremely serious situation. The application of time allocation limits the ability of parliament to oversee this extremely important piece of legislation. It is a wrong minded act. The government should reconsider. Bill C-36 is too important for that type of action to be taken.

I have heard only one Liberal member speak out against time allocation and having the bill rammed through in so little time, however I have not been here all day. I was at committee before coming here so there may have been others I missed. If there were others I congratulate them.

Time allocation absolutely should not have been invoked on a piece of legislation this important which has had so little time spent on it. The Prime Minister bragged that the bill had 60 hours at committee. That is not much when we consider the complexity of the legislation and the various acts it must be tied in with. It is extremely complex and 60 hours is nowhere near enough. The bill had 16 hours at report stage in the House. Time allocation has either been invoked or will be invoked at third reading. I can be confident of that.

This is not the amount of time an important piece of legislation like this should be given. In spite of the fact that we pushed the government to bring the legislation forth and it was tardy in doing so, it is the type of legislation we must give a proper hearing to. That is important.

I have referred to only one example in the legislation. I do not want to get into it in any more depth as I only have about a minute left. If the government will not listen to the opposition I ask that it listen to its own MPs. It should reconsider the issue of time allocation and give us a proper chance to put forth amendments starting with one that would ensure proper oversight through the application of a currently existing body, SIRC, to the other intelligence body, the CSE. That would make perfect sense.

I encourage the government to bring forth the amendment. I do not need to bring it forward. I would be happy to see it come from the government. I would support it. It is what I want. The legislation is far too important to be partisan as the government has made it by invoking time allocation.

• (1800)

**Hon. Paul DeVillers (Simcoe North, Lib.):** Madam Speaker, it is my pleasure to enter the debate at report stage on Bill C-36. Motion No. 6 would impose a 15 year limit on the period of secrecy in certain instances. At this point there is no way to be assured 15 years is a sufficient time to keep secret certain matters that are important to national security. This is an amendment I do not feel could be supported.

However I will take the same opportunity most of my colleagues have been taking. I will use my allocated time to make general comments on Bill C-36 and review the process.

Subsequent to the events of September 11, as we are all aware, there was a tremendous feeling across the country that something needed to be done to address terrorism and to put measures in place. The opposition was quite critical that the government was not moving quickly enough. That is juxtaposed to the criticism we are hearing today that the government is moving too quickly in bringing in time allocation to deal with the matter.

After September 11 officials in the government and several ministries worked long hours for several weeks preparing the legislation. There was an acknowledgment when the legislation was tabled that it might require work because of the haste with which it was drafted.

For that reason the Prime Minister and the Minister of Justice asked the committee to take a careful look at the legislation. That was done. In addition, the committee in the other place was asked to do a pre-study. It spent many hours and heard from approximately 80 witnesses.

We had the Senate pre-study and the time in committee. Over 100 amendments were proposed and accepted or passed at committee. This is a bill that has seen a considerable amount of work.

I will talk about the two main issues that came from the work of the committee of which I was privileged to be a member. It dealt with the definition of terrorist activity.

First, a concern was brought forward by many groups that by making the word "lawful" protest the exception we would exempt lawful protests but inadvertently trap labour movement walkouts or other protests where assaults, mischief or other activities may be committed that while criminal are a long way from terrorism. There are criminal code provisions to deal with those things so the word lawful in one of the amendments that was accepted has been removed from the definition. That is a useful amendment.

Second, there was the issue of the sunset clause. The great majority of the witnesses who came before committee wanted some form of sunset provision. They did not all agree on the type of sunset or the exact terms of the provisions but they felt there should be a sunset provision. That is why an amendment to put a five year sunset on the two most controversial issues, preventive arrest and investigative hearings, was adopted. That is significant.

Let us remember that the bill was drafted with the charter of rights in mind. It already contained a mandatory three year review period. We have all sat on committees where mandatory reviews are not always conducted when they are supposed to be. Unfortunately there do not appear to be any consequences when a government does not comply or when there is a change of government, an election or something that gets in the way of the mandatory review. That is why the five year sunset clause behind the three year mandatory review is so significant.

*Government Orders*

•(1805)

An editorial in the *Midland Free Press*, a newspaper in my riding, complains that we have put in a sunset clause that would weaken the message the legislation should be sending. I disagree with the editorial. However it is evidence that there is a will in Canada to have a strong bill which assures Canadians that measures will be taken against terrorists and that we mean business. A sunset provision is a way to make sure the review would be meaningful.

There are a couple of other issues I will touch on. We are hearing complaints that the bill would provide no oversight. That is far from the truth. We have the three year review of parliament; the annual reports from the solicitor general, the attorney general and the attorneys general of the provinces; the parliamentary committees review; the information and privacy commissioners; the RCMP complaints commission; and judicial review on certificates. There is significant review. The criticism is not the least bit founded.

We hear the bill would sacrifice civil liberties for national security. However we have heard the comments of the minister and others which remind us that the measures seek to protect our freedoms. This is an issue of human security. That is the goal of the bill and that is what we are attempting to preserve.

I have heard concerns about the stripping of citizenship. With all due respect, Bill C-36 does not deal with the stripping of citizenship. Those are other proceedings and that is a debate for another day.

We hear that minorities are being discriminated against. A non-discrimination clause is being inserted into the bill to clarify that it would not target religious or ethnic groups but terrorism. There is a level of comfort for most of us with the amendments being suggested.

•(1810)

[*Translation*]

As well, the minister, the Attorney General of Canada, the Solicitor General of Canada, the provincial attorneys general and the provincial ministers responsible for law enforcement must report to parliament on an annual basis.

This is important because it will be useful to parliament when it comes time to conduct its three year review. If we have annual reports, we will be able to determine if the measures go too far, if there are any shortcomings and if there is something that can be done to improve the bill.

There are also the provisions regarding the attorney general's certificates. These will not be issued willy nilly. They will be issued only after an order has been issued or a ruling has been made regarding the disclosure of information in legal proceedings. The certificate will be valid for 15 years, unless it is reissued. The certificate will be published in the *Canada Gazette*. The attorney general's certificate will be reviewed by a Federal Court of Appeal judge. This is yet another level of supervision that we are including in this bill.

On behalf of myself and my constituents, I am very proud of the amendments that have been made after having undertaken the studies requested by the Prime Minister and the Minister of Justice. These amendments have been put in place to protect the rights of all

Canadians. We are proud to support this bill, and I am happy that we are proceeding without any further delays.

[*English*]

**Mr. Greg Thompson (New Brunswick Southwest, PC/DR):** Madam Speaker, it is a pleasure to have some opportunity to speak on Bill C-36 and the amendments.

Obviously one of the concerns that we have is the limit on debate. Just for the information of the members and the listening public, this is at least the 72nd time, and some members have told me it is the 73rd time, that the government has brought in time allocation to limit debate on bills before the House and has simply called closure in the minds of most parliamentarians. In other words, it has limited debate on the most important bill to come before the House in many decades.

In fact, our party's justice critic, the member for Pictou—Antigonish—Guysborough said yesterday that this week we were debating the most important bill that we would probably see in the lifetime of this parliament or perhaps in the last 50 years and that the government was going to shut down debate.

That pretty well sums it up from this side of the House. We think the Canadian public wants to see some transparency in this process. Not all of us had the opportunity to tune in to the committee meetings and I think that most members expected that it would be debated on the floor of the House. We are not alone in that. It is not simply confined to members of opposition. The information commissioner, John Reid, who at one time was a member of the House, had some criticisms of the bill. He suggested that it had been rushed through the House with some pace.

Ken Rubin, an Ottawa researcher, has mentioned the same thing. Yesterday he said that it would permanently scar Canada's access to information legislation in terms of what the bill would do. He said that it would basically keep information away from the Canadian public.

That is reminiscent of what the Prime Minister has done in the House on so many occasions. I am sure that I do not have to remind members of Shawinigate or the APEC hearings, and the list goes on.

The Prime Minister prefers to have arbitrary power by executive decree. I do not think the Canadian public enjoys that type of government. It is heavy-handed and pretty tight-fisted. If we are going to rush through a bill in the House, and there is some sense of urgency to that, I do not think too many parliamentarians would object to extending the hours of the House. We still have 24 hours in a day. Most members would enjoy the opportunity to get up in their places and debate the merits of the bill or the weaknesses of the bill to make sure we get it right. There is a lot at play here in a sense that if we do not get it right, we will have to come back to this place to make it right. How many casualties will there be along the way?

One of the groups that appeared before the committee was the Canadian Human Rights Commission. It submitted a brief to the committee. It was not particularly overjoyed by what it saw. The opening paragraph in its presentation to the committee stated:

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However, it is vitally important that, in our haste to introduce new measures to counter terrorism, we do not put in place measures that exceed this aim and jeopardize human rights... Let's fight back against terrorism and bring the guilty to justice but let us not endanger the innocent in our haste or abandon the very rights and freedoms which are the terrorists' target.

● (1815)

The justice critic for our party pointed out that the Liberal justice minister at one time was a member of the civil liberties association, so she is going against everything that in a previous life she raged against. That tells us a little about what Liberals are saying in private about the bill.

I will quote from a newspaper article that appeared in today's *National Post*, November 27. The article is entitled, "Grits snuff debate on terror bill". It said:

One Liberal back-bencher, (the hon. member for Scarborough East), has broken from Liberal ranks, criticizing the anti-terrorism bill as "a deal with the devil."

I do not think it can be expressed any stronger than that, but unfortunately when push comes to shove, every Liberal will stand in his or her place and vote with the government and the Prime Minister.

It is the long term harm that we have to be concerned about. We cannot emphasize that enough. We have to be very cautious in what we do in the House with the bills we put through that may infringe our rights and the rights of every group in the country from the east coast to the west.

In the government's haste, today for example, we are going through the amendments. We are only on Group No. 2. I would say it was a stalling tactic on the part of the government, but some of the motions will not have been put tonight before we vote on them and we will not have had the opportunity to debate them.

I use the case of Motion No. 9 by the member for Pictou—Antigonish-Guysborough. It will never be debated on this floor because we are going to run out of time. We have five or ten minutes left on the debate. I guess that is the way the government wants it.

I remind the Canadian public again that when the bill came forward, we had six justice teams, as was said in the article in the *National Post*, which go back about a month now, who lived on fast food, worked weekends and into the wee hours of the morning to hastily put this bill together. They did it in haste, which tells us that there is a lot of sober second thought that should go into the bill, and the place that that should happen is right here on the floor of the House of Commons.

That brings me to a book, which I think will probably be on the Christmas best seller list, called *The Friendly Dictatorship*, written by Jeffrey Simpson.

It chronicles the tenure of the Prime Minister since his coming to office in 1993. Earlier in my opening remarks, I reminded the House that this is at least 72 times that the Prime Minister has brought in closure; hence *The Friendly Dictatorship*.

When it is over at the end of the day, the Liberals will all stand in their places, bow to the friendly dictatorship and rush the bill through the House of Commons without the opportunity to debate it fully on the floor.

For example, the listing of terrorists is wrong. The ability of the executive to abuse the power in the bill goes way beyond with what we would be comfortable. If I had my wish, it would be that we would continue to debate the bill, to go through it clause by clause with every member receiving the opportunity to at least debate it, so that we would know what is in it before we vote on it.

● (1820)

[*Translation*]

**Mr. Ghislain Fournier (Manicouagan, BQ):** Madam Speaker, it is a pleasure to address Bill C-36.

First, I would like to go back to the fact that the United States experienced tragic events for which there is no justification whatsoever. U.S. citizens were the victims of unspeakable and incredibly violent acts, the consequences of which, for them and the rest of the world, are numerous. It is therefore necessary and critical to ensure that such terrible acts never occur again.

We must be careful to come up with an act that will protect people from violent acts of an exceptional nature. However, we must not, through this bill, interfere with individual freedoms, which is what this legislation will do.

Before the events of last September, Americans, Quebecers and Canadians thought they were living in a world based on individual freedoms and respect for one another. Everything is changed now. Still, the Bloc Québécois feels that even though we must protect ourselves against barbaric acts such as those committed in September, it is necessary to respect individual freedoms.

The Bloc Québécois is convinced that the Minister of Justice did not take into account the balance that had to be maintained. Bill C-36 will interfere with freedom of expression. It will eliminate a fundamental freedom enjoyed by individuals and restrict people's freedom of expression. With this bill, the government will incite people to commit acts of violence.

At second reading, we said that we supported the principle of an act to fight terrorism, because we felt that framework legislation was necessary, but since the bill was unacceptable to us, we decided to put forward amendments, which were all rejected except for one.

Moreover, several amendments were moved after witnesses appeared before the committee, but the minister ignored them. The amendments by the minister are totally insufficient to restore the balance, to which I alluded, between freedom and security. The context of the September events was an exceptional one. These events were exceptional ones and they must be dealt with in an exceptional fashion. This means that Bill C-36 must also be exceptional in nature.

Should the threat of terrorism diminish, several measures included in the current bill would become exaggerated and unacceptable in a society based on individual and collective freedom of expression.

It is therefore important for a sunset clause to be added to this bill so that it will cease to be in effect after three years. That is what the Bloc Québécois called for. We also called for an automatic review every year by the Standing Committee on Justice and Human Rights, after the tabling of a report by an independent commissioner.

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When we think of certain elements of Bill C-36, there is reason for concern about people's freedom being curtailed. The definition of terrorist activity is too broad and might limit people's choices of self-expression—in ways that respect the rights of others—although these are not grounds for considering them terrorists

The minister has not listened to the recommendations made in committee, including the one on tightening up the definition of terrorist activity. A definition must be given in order to ensure that demonstrations or illegal strikes are not considered terrorist activities.

• (1825)

According to the Bloc Québécois, some demonstrators could still be perceived as terrorists. In our opinion, any reference in the bill to strikes and demonstrations must be removed.

Despite an amendment to the definition of terrorist activity by the Minister of Justice, we believe that certain groups of demonstrators could still be included in the definition.

We oppose the fact that the minister could withhold information by avoiding applying the Access to Information Act, without any safeguard. The bill will be reviewed only in three years' time.

Furthermore, the government did not even consult the Quebec department of justice, although this subject is certainly of interest to it.

Although everyone should roll up their sleeves and work together to fight terrorism in the world, this government has ignored the government of Quebec and its minister of justice by not consulting it. This is really worrisome, especially since the government of Quebec has exclusive jurisdiction over the administration of justice. It is by working together that we will put an end to terrorism.

Is the federal government's practice of deciding unilaterally not tantamount to dictatorship? What we lived through in September was certainly sown the seeds of concern, both here and with our neighbours in the United States. We are concerned about the future. We empathize with the Americans and are even trying to help them.

Here, perhaps, we should not only talk between levels of government in the context of decision making, but we should make decisions together in the best interests of our people. I think the bill concerns Quebecers and their minister of justice as well. People are observing us and count on this government to be effective and to work co-operatively to banish everything even remotely connected with terrorism forever.

We asked that charitable organizations and bodies have access to the information presented against them. There should be a legal process before listing occurs. The minister introduced no substantive amendment in this regard.

The expression "list of terrorists" would be changed to "list of entities". Entities can be included in the list of terrorists, and organizations can have their charitable status withdrawn without being allowed access to the evidence against them. This is unacceptable.

Under this bill, an organization could be denied charitable status or have that status revoked on the basis of information that could

pose a threat to national security. This bill has been strongly denounced by charitable organizations because of the secrecy surrounding the legal proceedings and the evidence provided by the Canadian Security Intelligence Service.

One must know what one is being accused of in order to be able to defend oneself. The Bloc Québécois put forward amendments in this regard so that organizations that lose their charitable status will know what they are accused of.

They need to be able to have access to the evidence against them so that they can defend themselves. The result is that the minister has put forward no substantive amendment with respect to these provisions.

In conclusion, we are living at a time when everyone must help and support each other. How are charitable organizations, which help their fellow citizens, going to be encouraged if they are threatened at every turn, without explanation and without access to the grounds for the evidence against them? This is a good way to discourage them.

In conclusion, let us not forget that this bill, as drafted, will curtail the freedom of citizens and their right to express themselves. This is not the objective of the Bloc Québécois, which would rather see a bill that will protect our constituents, not violate their rights. Security does not mean an end to freedom.

• (1830)

[*English*]

**Mr. Steve Mahoney (Mississauga West, Lib.):** Madam Speaker, I understand I have one minute in which to lay out my case. I just want to note for the record that I have been waiting to speak on this all day, yet someone else who was not on the Speaker's list was given the time that I would otherwise have enjoyed.

Let me try to do this in one minute and quote the minister, if I may.

**The Acting Speaker (Ms. Bakopanos):** Just so we all understand the rules, there is no list. Whoever stands up in the House is recognized by the Chair.

The hon. member has a minute to finish his speech.

**Mr. Steve Mahoney:** Madam Speaker, if I may, I would like to quote the minister from when she appeared before the committee. She said:

When dealing with groups that are willing to commit suicidal acts of mass destruction against innocent civilians, it is necessary to consider whether existing legislative tools are adequate to the challenge.

Our own Prime Minister said in the House:

It has become clear that the scope of the threat that terror poses to our way of life has no parallel. We, in North America, have been extraordinarily fortunate to live in peace, untouched by attack. That has changed.

I will quote a constituent of mine, who said:

If I have to give up a little bit of freedom to ensure the safety of my children, my family, my community and my country, then so be it.



*Government Orders*

The Canadian people have clearly sent a message. They understand, unlike some of my friends opposite, that we cannot fight terrorism with a group hug. We need to be tough. We need to put in place laws that are consistent with those of our allies in the United States and the United Kingdom. We need to pass the bill now so that Canada can be safe and secure.

• (1835)

[*Translation*]

**The Acting Speaker (Ms. Bakopanos):** It being 6.34 p.m., it is my duty pursuant to order made earlier today to interrupt the proceedings and put forthwith every question necessary to dispose of the report stage of the bill now before the House.

[*English*]

The question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** The recorded division on Motion No. 6 stands deferred.

We will now proceed to Group No. 3.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.)** moved:

Motion No. 7

That Bill C-36, in Clause 43, be amended by replacing lines 8 to 10 on page 82 with the following:

“proceeding” means a proceeding before a court, person or body with jurisdiction to compel the production of information.”

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR)** moved:

Motion No. 8

That Bill C-36 be amended by deleting Clause 87.

Motion No. 9

That Bill C-36 be amended by deleting Clause 104.

**The Acting Speaker (Ms. Bakopanos):** The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

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

(Motion No. 7 agreed to)

**The Acting Speaker (Ms. Bakopanos):** The next question is on Motion No. 8. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** The recorded division on Motion No. 8 stands deferred.

[*Translation*]

The question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion, the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** The recorded division on Motion No. 9 stands deferred.

• (1840)

[*English*]

**Right Hon. Joe Clark (Calgary Centre, PC/DR)** moved:

Motion No. 10

That Bill C-36, in Clause 145, be amended by replacing lines 1 to 19 on page 183 with the following:

“145. Three years after this Act receives royal assent, the provisions of this Act shall expire, except the following:

(a) the provisions that fulfill Canada's commitment under the conventions listed in the definition “United Nations operation” in subsection 2(2) and the definition “terrorist activity” in subsection 83.01(1) of the Criminal Code, as enacted by section 4;

(b) sections 11, 12, 13 and 102.”

**Mr. Scott Reid (Lanark—Carleton, Canadian Alliance)** moved:

Motion No. 13

That Bill C-36 be amended by adding after line 28 on page 183 the following new clause:

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"147. Sections 6, 6.1, 7, 8 and 81 of this Act, and section 38.13 of the Canada Evidence Act as enacted by this Act cease to apply at the end of the fifteenth sitting day of Parliament after December 31, 2006, notwithstanding section 146."

[*Translation*]

**The Acting Speaker (Ms. Bakopanos):** The question is on Motion No. 10. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** The recorded division on the motion stands deferred.

[*English*]

The question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** The recorded division on Motion No. 13 stands deferred.

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill. Call in the members.

• (1910)

[*Translation*]

(The House divided on Motion No. 1, which was negated on the following division:)

(*Division No. 180*)

## YEAS

## Members

Abbott	Anderson (Cypress Hills—Grasslands)
Bailey	Bellehumeur
Benoit	Bergeron
Bigras	Blaikie
Borotsik	Bourgeois
Breitkreuz	Brien
Cardin	Casey
Casson	Chatters
Clark	Comartin
Crête	Cummins
Dalphond-Guiral	Davies
Day	Doyle
Dubé	Duceppe
Elley	Epp
Fitzpatrick	Forseth
Fournier	Gagnon (Québec)
Gagnon (Champlain)	Gallant
Gauthier	Girard-Bujold
Godin	Gouk
Guay	Guimond
Hanger	Harris
Hearn	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hinton
Jaffer	Johnston
Laframboise	Lalonde
Lanctôt	Label
Lill	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Manning	Marceau
Martin (Winnipeg Centre)	Mayfield
McDonough	McNally
Ménard	Merrifield
Mills (Red Deer)	Nystrom
Obhrai	Pallister
Pankiw	Paquette
Penson	Perron
Proctor	Rajotte
Reid (Lanark—Carleton)	Reynolds
Ritz	Roy
Sauvageau	Schmidt
Skelton	Sorenson
Spencer	St-Hilaire
Stinson	Stoffer
Strahl	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Toews
Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis)
Vellacott	Venne
Wasylcyia-Leis	Wayne
White (Langley—Abbotsford)	Williams
Yelich — 101	

## NAYS

## Members

Adams	Alcock
Anderson (Victoria)	Assadourian
Augustine	Bagnell
Bakopanos	Barnes
Beaumier	Bélangier
Bellemare	Bennett
Bertrand	Binet
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Carroll	Catterall
Cauchon	Chamberlain
Charbonneau	Coderre
Collenette	Comuzzi
Copps	Cotler
Cullen	Cuzner
DeVillers	Dhaliwal
Dion	Discepolo
Dromisky	Drouin

*Government Orders*

Duplain	Eggleton	Cardin	Casey
Eyking	Farrah	Casson	Chatters
Finlay	Fontana	Clark	Comartin
Fry	Gagliano	Crête	Cummins
Godfrey	Graham	Dalphond-Guiral	Davies
Gray (Windsor West)	Guarnieri	Day	Doyle
Harb	Harvard	Dubé	Duceppe
Hubbard	Ianno	Elley	Epp
Jennings	Jordan	Forseth	Fournier
Karetak-Lindell	Keyes	Gagnon (Québec)	Gagnon (Champlain)
Knutson	Kraft Sloan	Gallant	Gauthier
Lastewka	Lavigne	Girard-Bujold	Godin
LeBlanc	Lee	Gouk	Guay
Leung	Lincoln	Guimond	Hanger
Longfield	MacAulay	Harris	Hearn
Macklin	Mahoney	Herron	Hill (Macleod)
Malhi	Manley	Hill (Prince George—Peace River)	Hilstrom
Martin (LaSalle—Émard)	Matthews	Hinton	Jaffer
McCallum	McCormick	Johnston	Kenney (Calgary Southeast)
McGuire	McKay (Scarborough East)	Laframboise	Lalonde
McLellan	McTeague	Lancôt	Lebel
Mills (Toronto—Danforth)	Minna	Lill	Lunn (Saanich—Gulf Islands)
Mitchell	Murphy	Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Myers	Nault	Manning	Marceau
Normand	O'Brien (Labrador)	Martin (Winnipeg Centre)	Mayfield
O'Brien (London—Fanshawe)	O'Reilly	McDonough	McNally
Owen	Paradis	Ménard	Merrifield
Parrish	Patry	Mills (Red Deer)	Nystrom
Peric	Peterson	Obhrai	Pallister
Phinney	Pickard (Chatham—Kent Essex)	Pankiw	Paquette
Price	Proulx	Penson	Perron
Provenzano	Redman	Proctor	Rajotte
Reed (Halton)	Regan	Reid (Lanark—Carleton)	Reynolds
Richardson	Robillard	Ritz	Roy
Rock	Saada	Sauvageau	Schmidt
Savoy	Scherrer	Skelton	Sorenson
Scott	Serré	Spencer	St-Hilaire
Sgro	Speller	Stinson	Stoffer
St-Jacques	St. Denis	Strahl	Thompson (New Brunswick Southwest)
Steckle	Stewart	Thompson (Wild Rose)	Toews
Telegdi	Thibault (West Nova)	Tremblay (Lac-Saint-Jean—Saguenay)	Tremblay (Rimouski-Neigette-et-la Mitis)
Thibeault (Saint-Lambert)	Tirabassi	Vellacott	Venne
Tonks	Torsney	Wasylcia-Leis	Wayne
Ur	Valeri	White (Langley—Abbotsford)	Williams
Vanclief	Volpe	Yelich — 101	
Wappel	Whelan		
Wilfert	Wood — 138		

**PAIRED**

## Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau — 12

**The Speaker:** I declare Motion No. 1 lost.

[*English*]

The next question is on Motion No. 2.

● (1920)

[*Translation*]

(The House divided on Motion No. 2, which was negated on the following division:)

(*Division No. 181*)

**YEAS**

## Members

Abbott	Anderson (Cypress Hills—Grasslands)
Bailey	Bellehumeur
Benoit	Bergeron
Bigras	Blaikie
Borotsik	Bourgeois
Breitkreuz	Brien

**NAYS**

## Members

Alcock
Assad
Augustine
Bakopanos
Beaumier
Bellemare
Bertrand
Blondin-Andrew
Bonwick
Bradshaw
Bryden
Byrne
Calder
Carroll
Cauchon
Charbonneau
Collenette
Copps
Cuzner
Dhaliwal
Discepolo
Drouin
Eggleton
Farrah
Fitzpatrick
Fry
Godfrey
Gray (Windsor West)
Harb
Hubbard
Jennings
Karetak-Lindell
Knutson
Lastewka

*Government Orders*

Lavigne	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	Macklin
Mahoney	Malhi
Manley	Martin (LaSalle—Émard)
Matthews	McCallum
McCormick	McGuire
McKay (Scarborough East)	McLellan
McTeague	Mills (Toronto—Danforth)
Minna	Mitchell
Murphy	Myers
Nault	Normand
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Owen
Paradis	Parrish
Patry	Peric
Peterson	Phinney
Pickard (Chatham—Kent Essex)	Price
Proulx	Provenzano
Redman	Reed (Halton)
Regan	Richardson
Robillard	Rock
Saada	Savoy
Scherrer	Scott
Serré	Sgro
Speller	St-Jacques
St. Denis	Steckle
Stewart	Telegdi
Thibault (West Nova)	Thibeault (Saint-Lambert)
Tirabassi	Tonks
Torsney	Ur
Valeri	Vanelief
Volpe	Wappel
Whelan	Wilfert
Wood— 139	

**PAIRED**

## Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau— 12

**The Speaker:** I declare Motion No. 2 lost.

[*English*]

The next question is on Motion No. 3.

• (1930)

[*Translation*]

(The House divided on Motion No. 3, which was negated on the following division:)

(*Division No. 182*)

**YEAS**

## Members

Bellehumeur	Bergeron
Bigras	Blaikie
Borotsik	Bourgeois
Brien	Cardin
Casey	Clark
Comartin	Crête
Dalphond-Guiral	Davies
Doyle	Dubé
Duceppe	Fournier
Gagnon (Québec)	Gagnon (Champlain)
Gauthier	Girard-Bujold
Godin	Guay
Guimond	Hearn
Herron	Hill (Prince George—Peace River)
Laframboise	Lalonde
Lancôt	Lebel
Lill	MacKay (Pictou—Antigonish—Guysborough)

Marceau
McDonough
Ménard
Pankiw
Perron
Roy
St-Hilaire
Strahl
Tremblay (Lac-Saint-Jean—Saguenay)
Venne
Wayne— 55

Abbott
Alcock
Anderson (Victoria)
Assadourian
Bagnell
Bakopanos
Beaumier
Bellemare
Benoit
Binet
Bonin
Boudria
Breitreuz
Bryden
Byrne
Calder
Carroll
Catterall
Chamberlain
Chatters
Collenette
Copps
Cummins
Day
Dhaliwal
Discepola
Drouin
Eggleton
Epp
Farrah
Fitzpatrick
Forseth
Gagliano
Godfrey
Graham
Guarnieri
Harb
Harvard
Hinton
Ianno
Jennings
Jordan
Kenney (Calgary Southeast)
Knutson
Lastewka
LeBlanc
Leung
Longfield
Lunney (Nanaimo—Alberni)
Macklin
Malhi
Manning
Matthews
McCallum
McGuire
McLellan
Merrifield
Mills (Toronto—Danforth)
Mitchell
Myers
Normand
O'Brien (London—Fanshawe)
Obhrai
Pallister
Parrish
Penson
Peterson
Price

Martin (Winnipeg Centre)
McNally
Nystrom
Paquette
Proctor
Sauvageau
Stoffer
Thompson (New Brunswick Southwest)
Tremblay (Rimouski-Neigette-et-la Mitis)
Wasylycia-Leis

**NAYS**

## Members

Adams
Anderson (Cypress Hills—Grasslands)
Assad
Augustine
Bailey
Barnes
Bélangier
Bennett
Bertrand
Blondin-Andrew
Bonwick
Bradshaw
Brown
Bulte
Caccia
Cannis
Casson
Cauchon
Charbonneau
Coderre
Comuzzi
Cullen
Cuzner
DeVillers
Dion
Dromisky
Duplain
Elley
Eyking
Finlay
Fontana
Fry
Gallant
Gouk
Gray (Windsor West)
Hanger
Harris
Hilstrom
Hubbard
Jaffer
Johnston
Karetak-Lindell
Keyes
Kraft Sloan
Lavigne
Lee
Lincoln
Lunn (Saanich—Gulf Islands)
MacAulay
Mahoney
Manley
Martin (LaSalle—Émard)
Mayfield
McCormick
McKay (Scarborough East)
McTeague
Mills (Red Deer)
Minna
Murphy
Nault
O'Brien (Labrador)
O'Reilly
Owen
Paradis
Patry
Peric
Phinney
Proulx

Provenzano  
Redman  
Regan  
Reynolds  
Ritz  
Rock  
Savoy  
Schmidt  
Serré  
Skelton  
Spencer  
St. Denis  
Stewart  
Telegdi  
Thibeault (Saint-Lambert)  
Tirabassi  
Tonks  
Ur  
Vanclief  
Whelan  
Wilfert

Rajotte  
Reed (Halton)  
Reid (Lanark—Carleton)  
Richardson  
Robillard  
Saada  
Scherrer  
Scott  
Sgro  
Sorenson  
St-Jacques  
Steckle  
Stinson  
Thibault (West Nova)  
Thompson (Wild Rose)  
Toews  
Torsney  
Valeri  
Vellacott  
White (Langley—Abbotsford)  
Yelich — 178

### PAIRED

#### Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau — 12

**The Speaker:** I declare Motion No. 3 lost.

[English]

The next question is on Motion No. 4.

• (1940)

(The House divided on Motion No. 4, which was negated on the following division:)

### (Division No. 183)

### YEAS

#### Members

Bellehumeur  
Bigras  
Borotsik  
Brien  
Casey  
Comartin  
Dalphond-Guiral  
Doyle  
Duceppe  
Gagnon (Québec)  
Gauthier  
Godin  
Guimond  
Herron  
Laframboise  
Lancôt  
Lill  
Marceau  
McDonough  
Ménard  
Pankiw  
Perron  
Roy  
St-Hilaire  
Strahl  
Tremblay (Lac-Saint-Jean—Saguenay)  
Venne  
Wayne — 55

Bergeron  
Blaikie  
Bourgeois  
Cardin  
Clark  
Crête  
Davies  
Dubé  
Fournier  
Gagnon (Champlain)  
Girard-Bujold  
Guay  
Hearn  
Hill (Prince George—Peace River)  
Lalonde  
Lebel  
MacKay (Pictou—Antigonish—Guysborough)  
Martin (Winnipeg Centre)  
McNally  
Nystrom  
Paquette  
Proctor  
Sauvageau  
Stoffer  
Thompson (New Brunswick Southwest)  
Tremblay (Rimouski-Neigette-et-la Mitis)  
Wasylycia-Leis

### NAYS

#### Members

Abbott

Adams

Alcock  
Anderson (Victoria)  
Assadourian  
Bagnell  
Bakopanos  
Beaumier  
Bellemare  
Benoit  
Binet  
Bonin  
Boudria  
Breitkreuz  
Bryden  
Byrne  
Calder  
Carroll  
Catterall  
Chamberlain  
Chatters  
Collenette  
Copps  
Cullen  
Cuzner  
DeVillers  
Dion  
Dromisky  
Duplain  
Elley  
Eyking  
Finlay  
Fontana  
Fry  
Gallant  
Gouk  
Gray (Windsor West)  
Hanger  
Harris  
Hilstrom  
Hubbard  
Jaffer  
Johnston  
Karetak-Lindell  
Keyes  
Kraft Sloan  
Lavigne  
Lee  
Lincoln  
Lunn (Saanich—Gulf Islands)  
MacAulay  
Mahoney  
Manley  
Matthews  
McCallum  
McGuire  
McLellan  
Merrifield  
Mills (Toronto—Danforth)  
Mitchell  
Myers  
Normand  
O'Brien (London—Fanshawe)  
Obhrai  
Pallister  
Parrish  
Penson  
Peterson  
Pickard (Chatham—Kent Essex)  
Proulx  
Rajotte  
Reed (Halton)  
Reid (Lanark—Carleton)  
Richardson  
Robillard  
Saada  
Scherrer  
Scott  
Sgro  
Sorenson  
Spencer  
St. Denis  
Stewart  
Telegdi  
Thibeault (Saint-Lambert)  
Tirabassi

### Government Orders

Anderson (Cypress Hills—Grasslands)  
Assad  
Augustine  
Bailey  
Barnes  
Bélanger  
Bennett  
Bertrand  
Blondin-Andrew  
Bonwick  
Bradshaw  
Brown  
Bulte  
Caccia  
Cannis  
Casson  
Cauchon  
Charbonneau  
Coderre  
Comuzzi  
Cotler  
Cummins  
Day  
Dhaliwal  
Discepola  
Drouin  
Eggleton  
Epp  
Farrah  
Fitzpatrick  
Forseth  
Gagliano  
Godfrey  
Graham  
Guamieri  
Harb  
Harvard  
Hinton  
Ianno  
Jennings  
Jordan  
Kenney (Calgary Southeast)  
Knutson  
Lastewka  
LeBlanc  
Leung  
Longfield  
Lunney (Nanaimo—Alberni)  
Macklin  
Malhi  
Manning  
Mayfield  
McCormick  
McKay (Scarborough East)  
McTeague  
Mills (Red Deer)  
Minna  
Murphy  
Nault  
O'Brien (Labrador)  
O'Reilly  
Owen  
Paradis  
Patry  
Peric  
Phinney  
Price  
Provenzano  
Redman  
Regan  
Reynolds  
Ritz  
Rock  
Savoy  
Schmidt  
Serré  
Skelton  
Speller  
St-Jacques  
Steckle  
Stinson  
Thibault (West Nova)  
Thompson (Wild Rose)  
Toews

*Government Orders*

Tonks  
Ur  
Vanclief  
Volpe  
Whelan  
Wilfert  
Yelich — 183

Torsney  
Valeri  
Vellacott  
Wappel  
White (Langley—Abbotsford)  
Wood

Bonin  
Boudria  
Bryden  
Byrne  
Calder  
Carroll  
Cauchon  
Charbonneau  
Collenette  
Copps  
Cuzner  
Dion  
Dromisky  
Duplain  
Eyking  
Finlay  
Fry  
Godfrey  
Guarnieri  
Harvard  
Ianno  
Jordan  
Keyes  
Kraft Sloan  
Lavigne  
Lee  
Lincoln  
MacAulay  
Mahoney  
Manley  
McCallum  
McGuire  
McLellan  
Mills (Toronto—Danforth)  
Mitchell  
Myers  
Normand  
O'Brien (London—Fanshawe)  
Owen  
Parrish  
Peric  
Phinney  
Price  
Provenzano  
Reed (Halton)  
Richardson  
Rock  
Savoy  
Scott  
Sgro  
St-Jacques  
Steckle  
Telegdi  
Thibeault (Saint-Lambert)  
Tonks  
Ur  
Vanclief  
Wappel  
Wilfert

Bonwick  
Brown  
Bulte  
Caccia  
Cannis  
Catterall  
Chamberlain  
Coderre  
Comuzzi  
Cullen  
DeVillers  
Discepola  
Drouin  
Eggleton  
Farrah  
Fontana  
Gagliano  
Graham  
Harb  
Hubbard  
Jennings  
Karetak-Lindell  
Knutson  
Lastewka  
LeBlanc  
Leung  
Longfield  
Macklin  
Malhi  
Matthews  
McCormick  
McKay (Scarborough East)  
McTeague  
Minna  
Murphy  
Nault  
O'Brien (Labrador)  
O'Reilly  
Paradis  
Patry  
Peterson  
Pickard (Chatham—Kent Essex)  
Proulx  
Redman  
Regan  
Robillard  
Saada  
Scherrer  
Serré  
Speller  
St. Denis  
Stewart  
Thibault (West Nova)  
Tirabassi  
Torsney  
Valeri  
Volpe  
Whelan  
Wood — 134

**PAIRED**

## Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau — 12

**The Speaker:** I declare Motion No. 4 lost.

The next question is on Motion No. 6.

● (1945)

(The House divided on Motion No. 6, which was negated on the following division:)

*(Division No. 184)***YEAS**

## Members

Abbott  
Bailey  
Benoit  
Borotsik  
Casey  
Chatters  
Comartin  
Davies  
Doyle  
Elley  
Fitzpatrick  
Gallant  
Gouk  
Harris  
Herron  
Hilstrom  
Jaffer  
Kenney (Calgary Southeast)  
Lill  
Lunney (Nanaimo—Alberni)  
Manning  
Mayfield  
McNally  
Mills (Red Deer)  
Obhrai  
Pankiw  
Proctor  
Reid (Lanark—Carleton)  
Ritz  
Skelton  
Spencer  
Stoffer  
Thompson (New Brunswick Southwest)  
Toews  
Vellacott  
Wayne  
Yelich — 73

Anderson (Cypress Hills—Grasslands)  
Bellehumeur  
Blaikie  
Breitkreuz  
Casson  
Clark  
Cummins  
Day  
Duceppe  
Epp  
Forseth  
Godin  
Hanger  
Hearn  
Hill (Prince George—Peace River)  
Hinton  
Johnston  
Lalonde  
Lunn (Saanich—Gulf Islands)  
MacKay (Pictou—Antigonish—Guysborough)  
Martin (Winnipeg Centre)  
McDonough  
Merrifield  
Nystrom  
Pallister  
Penson  
Rajotte  
Reynolds  
Schmidt  
Sorenson  
Stinson  
Strahl  
Thompson (Wild Rose)  
Tremblay (Rimouski-Neigette-et-la Mitis)  
Wasylycia-Leis  
White (Langley—Abbotsford)

**NAYS**

## Members

Adams  
Anderson (Victoria)  
Assadourian  
Bagnell  
Barnes  
Bélangier  
Bennett  
Binet

Alcock  
Assad  
Augustine  
Bakopanos  
Beaumier  
Bellemare  
Bertrand  
Blondin-Andrew

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

**PAIRED**

## Members

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau — 12

**The Speaker:** I declare Motion No. 6 lost.

The next question is on Motion No. 8.

● (1950)

[*Translation*]

(The House divided on Motion No. 8, which was negated on the following division:)

*(Division No. 185)*

## YEAS

## Members

Bigras  
Borotsik  
Clark  
Crête  
Doyle  
Godin  
Hearn  
Hill (Prince George—Peace River)  
Lill  
Marceau  
McDonough  
Ménard  
Proctor  
Stoffer  
Thompson (New Brunswick Southwest)  
Wayne — 31

Blaikie  
Casey  
Comartin  
Davies  
Duceppe  
Guay  
Herron  
Lalonde  
MacKay (Pictou—Antigonish—Guysborough)  
Martin (Winnipeg Centre)  
McNally  
Nystrom  
Sauvageau  
Strahl  
Wasylycia-Leis

## NAYS

## Members

Abbott  
Alcock  
Assad  
Augustine  
Barnes  
Bélanger  
Bennett  
Bertrand  
Boudria  
Brown  
Bulte  
Caccia  
Cannis  
Cauchon  
Chatters  
Comuzzi  
Cullen  
DeVillers  
Discepola  
Drouin  
Epp  
Fitzpatrick  
Fry  
Gallant  
Gouk  
Guarnieri  
Harb  
Harvard  
Hinton  
Ianno  
Jennings  
Jordan  
Keyes  
Kraft Sloan  
Lavigne  
Leung  
Lunney (Nanaimo—Alberni)  
Malhi  
Matthews  
McCallum  
McGuire  
McTeague  
Mills (Red Deer)  
Minna  
Myers  
Normand  
O'Brien (London—Fanshawe)  
Obhrai  
Pallister  
Parrish  
Peric  
Phinney  
Provenzano  
Redman  
Regan  
Richardson  
Robillard

Adams  
Anderson (Victoria)  
Assadourian  
Bailey  
Beaumier  
Bellemare  
Benoit  
Blondin-Andrew  
Breitkreuz  
Bryden  
Byrne  
Calder  
Catterall  
Chamberlain  
Collenette  
Copps  
Cummins  
Dion  
Dromisky  
Eggleton  
Finlay  
Fontana  
Gagliano  
Godfrey  
Graham  
Hanger  
Harris  
Hilstrom  
Hubbard  
Jaffer  
Johnston  
Kenney (Calgary Southeast)  
Knutson  
Lastewka  
Lee  
Lincoln  
MacAulay  
Manning  
Mayfield  
McCormick  
McLellan  
Merrifield  
Mills (Toronto—Danforth)  
Mitchell  
Nault  
O'Brien (Labrador)  
O'Reilly  
Owen  
Paradis  
Patry  
Peterson  
Pickard (Chatham—Kent Essex)  
Rajotte  
Reed (Halton)  
Reid (Lanark—Carleton)  
Ritz  
Rock

*Government Orders*

Schmidt  
Serré  
Sorenson  
Spencer  
Steckle  
Telegdi  
Toews  
Ur  
Vanclief  
Volpe  
Whelan  
Yelich — 137

Scott  
Skelton  
Speller  
St. Denis  
Stewart  
Thibault (West Nova)  
Torsney  
Valeri  
Vellacott  
Wappel  
Wood

## PAIRED

## Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau — 12

**The Speaker:** I declare Motion No. 8 lost.

The next question is on Motion No. 9.

● (1955)

(The House divided on Motion No. 9, which was negated on the following division:)

*(Division No. 186)*

## YEAS

## Members

Blaikie  
Bourgeois  
Casey  
Comartin  
Doyle  
Girard-Bujold  
Hearn  
Hill (Prince George—Peace River)  
Lill  
Martin (Winnipeg Centre)  
McNally  
Paquette  
Stoffer  
Thompson (New Brunswick Southwest)  
Wasylycia-Leis

Borotsik  
Cardin  
Clark  
Davies  
Duceppe  
Godin  
Herron  
Lebel  
MacKay (Pictou—Antigonish—Guysborough)  
McDonough  
Nystrom  
Proctor  
Strahl  
Tremblay (Lac-Saint-Jean—Saguenay)  
Wayne — 30

## NAYS

## Members

Abbott  
Anderson (Victoria)  
Bailey  
Bellemare  
Benoit  
Blondin-Andrew  
Byrne  
Cannis  
Chamberlain  
Collenette  
Copps  
Cummins  
DeVillers  
Discepola  
Duplain  
Epp  
Fitzpatrick  
Gagliano  
Godfrey  
Guarnieri  
Harb  
Harvard  
Hinton  
Ianno  
Johnston

Anderson (Cypress Hills—Grasslands)  
Bagnell  
Bélanger  
Bennett  
Binet  
Breitkreuz  
Caccia  
Cauchon  
Chatters  
Comuzzi  
Cullen  
Day  
Dion  
Dromisky  
Eggleton  
Eyking  
Fontana  
Gallant  
Gouk  
Hanger  
Harris  
Hilstrom  
Hubbard  
Jennings  
Karetak-Lindell

*Government Orders*

Kenney (Calgary Southeast)  
Lunn (Saanich—Gulf Islands)  
MacAulay  
Malhi  
Matthews  
McLellan  
Mills (Red Deer)  
Murphy  
Obhrai  
Paradis  
Rajotte  
Reid (Lanark—Carleton)  
Ritz  
Rock  
Scherrer  
Scott  
Sorenson  
St. Denis  
Stewart  
Toews  
Torsney  
Valeri  
Whelan

LeBlanc  
Lunney (Nanaimo—Alberni)  
Macklin  
Manning  
Mayfield  
Merrifield  
Minna  
O'Brien (Labrador)  
Pallister  
Patry  
Reed (Halton)  
Richardson  
Robillard  
Savoy  
Schmidt  
Skelton  
Spencer  
Steckle  
Tirabassi  
Tonks  
Ur  
Vellacott  
Yelich— 96

Chamberlain  
Collenette  
Cotler  
Cummins  
DeVillers  
Dromisky  
Eggleton  
Fontana  
Graham  
Guay  
Harb  
Harvard  
Hubbard  
Jennings  
Kenney (Calgary Southeast)  
Kraft Sloan  
Lastewka  
Lincoln  
Lunney (Nanaimo—Alberni)  
Mahoney  
Manning  
McKay (Scarborough East)  
McTeague  
O'Brien (Labrador)  
Parrish  
Peric  
Price  
Reed (Halton)  
Ritz  
Rock  
Schmidt  
Sgro  
Sorenson  
Steckle  
Thibeault (Saint-Lambert)  
Torsney  
Ur  
Whelan  
Yelich— 91

Chatters  
Coppes  
Cullen  
Day  
Discepola  
Duceppe  
Epp  
Gallant  
Guarnieri  
Hanger  
Harris  
Hilstrom  
Ianno  
Karetak-Lindell  
Knutson  
Lancôt  
Lavigne  
Longfield  
MacAulay  
Malhi  
Matthews  
McLellan  
Mills (Red Deer)  
Paradis  
Patry  
Plamondon  
Pronglx  
Richardson  
Robillard  
Roy  
Scott  
Skelton  
St. Denis  
Stewart  
Toews  
Tremblay (Lac-Saint-Jean—Saguenay)  
Valeri  
Wilfert

**PAIRED**

## Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau— 12

**The Speaker:** I declare Motion No. 9 lost.

[*English*]

The next question is on Motion No. 10.

● (2005)

(The House divided on Motion No. 10, which was negated on the following division:)

*(Division No. 187)***YEAS**

## Members

Bailey  
Borotsik  
Casey  
Comartin  
Davies  
Elley  
Godin  
Hearn  
Hill (Prince George—Peace River)  
Lill  
MacKay (Pictou—Antigonish—Guysborough)  
Mayfield  
McNally  
Nystrom  
Pallister  
Rajotte  
Spencer  
Strahl  
Thompson (New Brunswick Southwest)  
Wayne— 39

Blaikie  
Breitkreuz  
Clark  
Cummins  
Doyle  
Fitzpatrick  
Gouk  
Herron  
Hinton  
Lunn (Saanich—Gulf Islands)  
Martin (Winnipeg Centre)  
McDonough  
Merrifield  
Obhrai  
Proctor  
Reid (Lanark—Carleton)  
Stoffer  
Telegdi  
Wasylycia-Leis

**NAYS**

## Members

Abbott  
Bélanger  
Bennett  
Bonwick  
Brien  
Byrne  
Cannis

Anderson (Victoria)  
Bellemare  
Benoit  
Breitkreuz  
Bulte  
Caccia  
Cauchon

**PAIRED**

## Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau— 12

**The Speaker:** I declare Motion No. 10 lost.

**Mr. Jim Abbott:** Mr. Speaker, I rise on a point of order. With the excitement of the evening I got all wrapped up in my voting and I voted incorrectly. I wish to vote in favour of Motion No. 10, not in opposition to it.

**The Speaker:** Is it agreed the hon. member's vote will be transferred from the nays to the yeas?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** At least the hon. member has made his point through a point of order.

[*Translation*]

The next question is on Motion No. 13.



● (2010)  
[English]

(The House divided on Motion No. 13, which was negated on the following division:)

(Division No. 188)

### YEAS

#### Members

Abbott	Anderson (Cypress Hills—Grasslands)
Bailey	Benoit
Blaikie	Breitkreuz
Comartin	Davies
Elley	Fitzpatrick
Gallant	Godin
Gouk	Hilstrom
Lill	Martin (Winnipeg Centre)
Mayfield	McDonough
Merrifield	Nystrom
Obhrai	Pallister
Proctor	Rajotte
Reid (Lanark—Carleton)	Spencer
Stoffer	Wasylycia-Leis— 28

### NAYS

#### Members

Anderson (Victoria)	Bagnell
Bélanger	Bellemare
Bennett	Bergeron
Binet	Borotsik
Bourgeois	Byrne
Caccia	Cannis
Casey	Cauchon
Chamberlain	Chatters
Clark	Collenette
Comuzzi	Copps
Cotler	Crête
Cullen	Cummins
Cuzner	Day
Doyle	Duceppe
Duplain	Eggleton
Epp	Eyking
Fontana	Guarnieri
Hanger	Harb
Harris	Harvard
Hearn	Herron
Hill (Prince George—Peace River)	Hinton
Hubbard	Ianno
Jaffér	Johnston
Karetak-Lindell	Kenney (Calgary Southeast)
Knutson	Kraft Sloan
Lastewka	Lavigne
LeBlanc	Lincoln
Longfield	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Macklin
Mahoney	Marceau
McKay (Scarborough East)	McLellan
McNally	McTeague
Mills (Red Deer)	Murphy
O'Brien (Labrador)	Paradis
Parrish	Patry
Peric	Price
Proulx	Reed (Halton)
Richardson	Ritz
Robillard	Rock
Roy	Savoy
Scherrer	Schmidt
Scott	Sgro
Skelton	Sorenson
St-Hilaire	St. Denis
Steckle	Stewart
Strahl	Thibeault (Saint-Lambert)
Thompson (New Brunswick Southwest)	Tirabassi
Toews	Tonks

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Torsney	Ur
Valeri	Venne
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Wilfert	Yelich— 106

### PAIRED

#### Members

Asselin	Bachand (Saint-Jean)
Castonguay	Desrochers
Folco	Galloway
Harvey	Kilgour (Edmonton Southeast)
Loubier	Pettigrew
Picard (Drummond)	Rocheleau— 12

**The Speaker:** I declare Motion No. 13 lost.

**Mr. Robert Bertrand:** Mr. Speaker, I rise on a point of order. I believe the member for Renfrew—Nipissing—Pembroke voted twice on this motion.

**The Speaker:** Order, please. We appear to have a problem. The hon. member is quite correct. The hon. member for Renfrew—Nipissing—Pembroke has voted twice on this motion. Perhaps she could clarify her position in respect to Motion No. 13.

**Mrs. Cheryl Gallant:** Mr. Speaker, please record my vote as opposed.

● (2015)

**The Speaker:** Perhaps we could also go back one to Motion No. 10. The hon. member for Blackstrap had a similar problem. Perhaps she could clarify for the House which way she is voting.

**Mrs. Lynne Yelich:** Mr. Speaker, please record my vote as opposed.

**The Speaker:** The Chair appreciates this assistance from all hon. members on every side.

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.)** moved that the bill be concurred in at report stage with another amendment.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

\* \* \*

● (2020)

[Translation]

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

*Government Orders**(Division No. 189)*

## YEAS

## Members

Adams	Alcock
Anderson (Cypress Hills—Grasslands)	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Bailey	Bakopanos
Barnes	Bélangier
Bellemare	Bennett
Benoit	Bertrand
Binet	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Breitkreuz	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Casey	Catterall
Cauchon	Chamberlain
Chatters	Clark
Collenette	Comuzzi
Copps	Cotler
Cullen	Cummins
Cuzner	Day
DeVillers	Dion
Discepola	Doyle
Dromisky	Drouin
Duplain	Eggleton
Elley	Epp
Eyking	Finlay
Fitzpatrick	Fontana
Fry	Gagliano
Gallant	Godfrey
Graham	Guarnieri
Hanger	Harb
Harris	Harvard
Hearn	Hill (Prince George—Peace River)
Hilstrom	Hinton
Hubbard	Ianno
Jaffer	Jennings
Jordan	Karetak-Lindell
Kenney (Calgary Southeast)	Keys
Knutson	Kraft Sloan
Lastewka	Lavigne
LeBlanc	Lee
Leung	Lincoln
Longfield	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Macklin
Mahoney	Malhi
Manning	Matthews
Mayfield	McCallum
McCormick	McGuire
McKay (Scarborough East)	McLellan
McNally	McTeague
Merrifield	Mills (Red Deer)
Mills (Toronto—Danforth)	Minna
Mitchell	Murphy
Myers	Nault
Normand	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Obhrai	Owen
Pallister	Paradis
Parrish	Patry
Peric	Peterson
Phinney	Pickard (Chatham—Kent Essex)
Price	Proulx
Provenzano	Rajotte
Redman	Reed (Halton)
Regan	Richardson

Ritz  
Rock  
Scherrer  
Scott  
Sgro  
Sorenson  
Spencer  
Steckle  
Strahl  
Thibeault (Saint-Lambert)  
Tirabassi  
Tonks  
Ur  
Vanclief  
Volpe  
Wayne  
Wilfert  
Yelich — 171

Robillard  
Savoy  
Schmidt  
Serré  
Skelton  
Speller  
St. Denis  
Stewart  
Thibault (West Nova)  
Thompson (New Brunswick Southwest)  
Toews  
Torsney  
Valeri  
Vellacott  
Wappel  
Whelan  
Wood

## NAYS

## Members

Abbott  
Bergeron  
Blaikie  
Brien  
Comartin  
Dalpmond-Guiral  
Duceppe  
Gauthier  
Godin  
Guimond  
Lalonde  
Lill  
Martin (Winnipeg Centre)  
Ménard  
Paquette  
Proctor  
Roy  
St-Hilaire  
Tremblay (Lac-Saint-Jean—Saguenay)  
Venne

Bellehumeur  
Bigras  
Bourgeois  
Cardin  
Crête  
Davies  
Gagnon (Québec)  
Girard-Bujold  
Guay  
Johnston  
Lanctôt  
Marceau  
McDonough  
Nystrom  
Plamondon  
Reid (Lanark—Carleton)  
Sauvageau  
Stoffer  
Tremblay (Rimouski-Neigette-et-la Mitis)  
Wasylcia-Leis — 40

## PAIRED

## Members

Asselin  
Castonguay  
Folco  
Harvey  
Loubier  
Picard (Drummond)

Bachand (Saint-Jean)  
Desrochers  
Galloway  
Kilgour (Edmonton Southeast)  
Pettigrew  
Rocheleau — 12

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

(Motion agreed to)

[*English*]

**The Speaker:** I wish to inform the House that because of the length of time taken by the voting, there will be no private members' hour today. Accordingly the order will be rescheduled for another sitting.

[*Translation*]

It being 8.25 p.m., the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 8.25 p.m.)





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