



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, December 5, 2017**

—

**Speaker: The Honourable Geoff Regan**

## **CONTENTS**

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

# HOUSE OF COMMONS

Tuesday, December 5, 2017

The House met at 10 a.m.

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*Prayer*

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## ROUTINE PROCEEDINGS

• (1005)  
[English]

### INDIGENOUS AFFAIRS

**Ms. Yvonne Jones (Parliamentary Secretary to the Minister of Indigenous and Northern Affairs, Lib.):** Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the 2014/15 Annual Report on the State of Inuit Culture and Society. I request that this report be referred to the Standing Committee on Indigenous and Northern Affairs.

In addition, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the Yukon Land Claims and Self-Government Agreements Annual Report 2011-2012. I request that this report be referred to the Standing Committee on Indigenous and Northern Affairs.

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### PETITIONS

FALUN GONG AND FALUN DAFA

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I am pleased to rise today to present a petition which relates to the ongoing human rights abuse of practitioners of Falun Dafa and Falun Gong in the People's Republic of China.

The petitioners call on the Canadian government to condemn the current practice of the Communist Party in the People's Republic of China in systematically murdering Falun Gong practitioners.

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### QUESTIONS ON THE ORDER PAPER

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I ask that all questions be allowed to stand at this time.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

## PRIVILEGE

COMMISSIONER OF OFFICIAL LANGUAGES—SPEAKER'S RULING

**The Speaker:** I would like to take a moment to address the remarks of the hon. member for Durham made November 24, 2017, concerning a recent statement of the Minister of Canadian Heritage that he alleged to be contradictory to those of a former nominee for the position of Commissioner of Official Languages.

[Translation]

On May 31, 2017, the same issue was raised as a point of order by the member for Outremont. The member for Durham has now raised this again, urging the Chair to rule on the matter prior to any nomination of a new Commissioner of Official Languages.

[English]

By raising the matter, the member is trying to establish a link between the events of the spring and the upcoming nomination. However, I fail to see the linkage, or what might justify bringing up this question once more.

[Translation]

As members will recall, I delivered a ruling on May 29, 2017, when this issue was fully dealt with. When the matter was raised several days later, on May 31, 2017, I stated that I had already ruled on this. While I considered the matter closed, I agreed to review any additional information and would come back to the House, but only if necessary.

[English]

Upon review of the complete evidence before us today, I am not convinced that there is anything more to add to this issue. I consider the matter closed.

I thank all hon. members for their attention.

STATEMENTS BY MINISTER OF REVENUE REGARDING THE DISABILITY  
TAX CREDIT

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Mr. Speaker, I rise today on a question of privilege regarding misleading statements made in the House by the Minister of National Revenue.

On page 111 in the 22nd edition of Erskine May, it states: "The Commons may treat the making of a deliberately misleading statement as a contempt."

### Privilege

Speaker Milliken, when ruling on a matter of privilege involving misleading statements in the House, stated on February 1, 2002, “The authorities are consistent about the need for clarity in our proceedings and about the need to ensure the integrity of the information provided by the Government to the House.”

One of the authorities to which Speaker Milliken was referring was the *House of Commons Procedure and Practice*, Second Edition, which states on page 115, “Misleading a Minister or a Member has also been considered a form of obstruction and thus a *prima facie* breach of privilege.”

On October 23, 2017, in response to a question during question period, the Minister of National Revenue said, “I would remind my colleagues opposite that the law has not changed in any way. How the law is interpreted has also not changed in any way.”

Again, on October 24, she said, “I want to assure my colleague opposite that the law has not changed. There have also not been any changes to the way the law is interpreted.”

She continued with the same message on October 30, 2017, when she said the following:

I would like to reassure Canadians that no changes have been made to the eligibility criteria for the disability tax credit.

No changes have been made to the act or the way it is interpreted, and we are going to ensure that people continue to receive the tax credits to which they are entitled.

Then, on November 8, 2017, she said, “I also want to emphasize that the eligibility criteria for the tax credit have not changed. The rules are the same and apply just as they always have. The law is the same. Nothing has changed.”

She made these claims time and again during question period, on October 30, and on November 7, 9, 21, 22, and 23. She even provided this false information to the finance committee during its meeting on November 23.

I do not believe that anyone could argue that the minister's statements in this House and elsewhere are not deliberate. The minister wants the House to believe that no changes have been made to the eligibility criteria for the disability tax credit, as well as the way it is interpreted.

I would like at this time to present to you, Mr. Speaker, an internal CRA memo of May 2, 2017, which was obtained through access to information by Diabetes Canada and forwarded to me. In this memo, the Minister of National Revenue's officials tell a very different story than what the minister has been telling the House. It states:

This is to inform you of updates to the current [life-sustaining therapy] procedures and verses relating to adults with diabetes.

Going forward, follow the procedures below for claims for [persons with disabilities] over 18. [...] Insulin Therapy Procedures will be updated shortly to reflect the changes.

Send a clarification letter when the [medical practitioner] has not indicated any exceptional circumstances to support the 14 hours per week criterion.

Disallow without clarification when

the [medical practitioner] has indicated less than 14 hours per week, or

the [medical practitioner] has included activities that do not count toward the 14 hour per week criterion such as carb counting, and activities related to exercise.

Allow claims when the [medical practitioner] has indicated exceptional circumstances which support the 14 hours per week criterion.

Example of exceptional circumstances; Other chronic conditions that affect the time taken by the [persons with disabilities] to manage insulin therapy or the need for assistance from others to manage insulin therapy, such as poor manual dexterity or poor vision.

Determine end date on a case by case basis depending on the severity of the [persons with disabilities] condition.

Consult with RO as needed to determine eligibility and for the number of years to allow. Refer to HQ as necessary.

Note: No changes have been made for claims for [persons with disabilities] under 18.

The updates are in the attached and will be put into production tomorrow afternoon.

Thanks.

Procedures and Medical Review Team

On November 3, 1978, the member for Northumberland—Durham raised a question of privilege and charged that he had been deliberately misled by a former solicitor general. Acting on behalf of a constituent who suspected that his mail had been tampered with, the member had written in 1973 to the then solicitor general who assured him that, as a matter of policy, the RCMP did not intercept the private mail of anyone. However, on November 1, 1978, in testimony before the McDonald commission, the former commissioner of the RCMP stated that they did indeed intercept mail on a very restricted basis.

The member claimed that this statement clearly conflicted with the information he had received from the then solicitor general some years earlier.

• (1010)

The Speaker returned to the House on December 6 and ruled the matter to be a *prima facie* case of contempt against the House of Commons. The Speaker found that the letter from the solicitor general to the member for Northumberland—Durham could be considered a proceeding in Parliament for the purpose of privilege.

In the 1978 case, it was the letter from the minister that contained information that was later revealed to be false during the testimony of the minister's own officials at the McDonald commission. In this case, the minister is saying one thing in the House and her officials are saying something different in an internal memo.

Further, on page 234 of the second edition of Joseph Maingot's *Parliamentary Privilege in Canada*, Maingot states:

before the House will be permitted by the Speaker to embark on a debate in such circumstances...an admission by someone in authority, such as a Minister of the Crown or an officer of a department, an instrument of government policy, or a government agency, either that a Member of the House of Commons was intentionally misled...and a direct relationship between the misleading information and a proceeding in Parliament, is necessary.

In an internal memo, we have the minister's procedures and medical review team clearly contradicting what the minister has been saying in the House of Commons.

On February 1, 2002, Speaker Milliken accepted a minister's assertion that he had no intention to mislead the House, yet he stated that, “Nevertheless this remains a very difficult situation.”

He went on to conclude:

On the basis of the arguments presented by hon. members and in view of the gravity of the matter, I have concluded that the situation before us...merits further consideration by an appropriate committee, if only to clear the air.

*Government Orders*

I submit to you that this issue also requires clarification. It is confusing to my constituents, who are being told one thing by the minister and another by officials from the minister's own department. Not only are they receiving false information, they are living the consequences as proof that the minister misled this House.

In conclusion, if you find this matter to be a prima facie question of privilege, I am prepared to move the appropriate motion.

• (1015)

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I would like to take the information as noted and return with some thoughts on it at a later time.

**The Speaker:** I thank the hon. member for Calgary Rocky Ridge and the hon. parliamentary secretary to the government House leader. I look forward to hearing the arguments from the government's side in due course, hopefully before very long. I then look forward to coming back to the House in due course with a decision.

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** Mr. Speaker, I found the arguments that were raised by the member for Calgary Rocky Ridge very compelling. We will be coming back to this House at some point today to add further information for your due consideration.

**The Speaker:** I thank the hon. member for New Westminster—Burnaby for adding that commitment to the conversation.

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## GOVERNMENT ORDERS

[*English*]

### ACCESS TO INFORMATION ACT

BILL C-58—TIME ALLOCATION MOTION

**Hon. Marie-Claude Bibeau (Minister of International Development and La Francophonie, Lib.)** moved:

That, in relation to Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, not more than one further sitting day shall be allotted to the consideration at third reading stage of the bill; and

That, 15 minutes before the expiry of the time provided for Government Orders of the day allotted to the consideration at 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 said stage of the Bill shall be put forthwith and successively, without further debate or amendment.

**The Speaker:** Pursuant to Standing Order 67.1, there will now be a 30-minute question period.

[*Translation*]

I invite hon. members who wish to ask questions to rise in their places so the Chair has some idea of the number of members who wish to participate in this question period.

[*English*]

**Hon. Peter Kent (Thornhill, CPC):** Mr. Speaker, this time allocation motion is for a highly imperfect piece of proposed legislation that deserves much greater debate and consideration by the Liberal government. It has been condemned by Canadians across the spectrum, by those who would demand the right to know how

they are governed through access to information. It has been dismissed by the Information Commissioner herself as a regressive piece of legislation. She indicated quite clearly that the status quo would be preferable to the proposed law, which is being debated at third reading today.

The President of the Treasury Board has made excuses, and he urged Canadians, with a slight Churchillian twist, not to allow perfection to be the enemy of the good. Well, there is very little good in Bill C-58, which came through committee with some significant, but very few, amendments to correct a poorly written piece of legislation.

This piece of proposed legislation is beyond redemption. I would ask the President of the Treasury Board why he does not simply withdraw Bill C-58 and go back to the drawing board.

• (1020)

**Hon. Scott Brison (President of the Treasury Board, Lib.):** Mr. Speaker, my hon. colleague from Thornhill, who was a minister in the previous Harper government, is in fact very consistent. He is effectively advocating that we do nothing to update the Access to Information Act, which is consistent with what the Conservatives did in the past, because for nine years they did absolutely nothing to strengthen the act, despite the fact their platform committed in 2006 to modernizing that act. They passed 250 pieces of legislation over the subsequent nine years, but not one of them touched access to information.

We are the first government in 34 years to act to significantly modernize, improve, and strengthen the access to information regime. For the first time ever, we would be providing order-making power to the Information Commissioner. For the first time ever, we would be applying the Access to Information Act to ministers' offices and the Prime Minister's Office for a strengthened regime of proactive disclosure, which is very much consistent with the principle of open by default.

Again, I commend my friend and colleague for his consistency, because today, by advocating that we not proceed with this modernization, he is in fact being very consistent with the Conservative government he was part of, which did absolutely nothing to strengthen access to information. However, we are not necessarily listening to that, because we believe it is time to improve the access to information regime.

The member also referred to the amendments from committee that we have embraced and supported. Again, this was not something the previous Conservative government did very frequently. To actually engage committees respectfully and accept their advice. We believe that committees can help strengthen this legislation. In fact, some of the clarifications achieved through these amendments are consistent with our intention, which is to have a stronger and more accountable access to information system. We believe very strongly that these steps are in the right direction.

*Government Orders*

Furthermore, there will be a full mandatory review to commence within a year of this bill being passed. It would be the first five-year review, and subsequently there would be mandatory five-year reviews, which will ensure that the act never becomes as outdated as it is today. We are looking forward to engaging not just in terms of the specific changes proposed today, but we also believe that when we commence the first mandatory review, it will be informed by some of our understanding of the impact of these changes, which will help inform future changes.

The other thing is that in the movement towards proactive disclosure, as we see an increase in particular types of demand-based requests, that is a signal to our government and future governments to move them over to the proactive disclosure category.

[*Translation*]

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** Mr. Speaker, please be sure to allow about as much time for answers as for questions.

Once again, we are talking about the government steamroller. This is the 27th time it has used closure to shut down debate on these issues. Its record is even worse than the Harper government's. There have been 25% more closure and time allocation motions under the Liberals.

• (1025)

[*English*]

Is the real reason the Liberals are using this legislative bulldozer again, which they have used 25% more often than the Harper government, that they have ignored the Information Commissioner's recommendations? They have not dealt with the issue of delays or exemptions. However, they have created new loopholes so the public will be cut off from access to information.

Is that not the real reason they are shutting down debate today? The more debate there is in this House, the more that Canadians become aware that the Liberals are breaking yet another promise.

The President of the Treasury Board talked about consistency. I have to admit that the Liberals are very consistent in breaking their promises. Here again is a broken promise that the Liberal government is trying to shove under the carpet by bulldozing this bill through the House of Commons.

**Hon. Scott Brison:** Mr. Speaker, I thank my colleague for his question. He and I served at committee together in opposition and he will recall how little regard the Conservative government had for opposition members' amendments at committee. That stands in contrast to what our government is doing.

We have worked with the access to information committee in accepting amendments that we believe strengthen the legislation. For instance, the Information Commissioner will be given the authority to force a department to obtain approval prior to denying a request for any reason. That significantly strengthens the role of the Information Commissioner. We have addressed many of the concerns raised through the committee process, which stands in stark contrast to the work of the previous Conservative government at committee.

Strengthening proactive disclosure is an important part of the Access to Information Act. When we were in opposition and the member for Papineau, now the Prime Minister, was the leader of the Liberal Party, we led the charge for proactive disclosure of MPs' expenses. The Conservatives followed through quite quickly because they understood the importance of it. The NDP were not that happy about proactively disclosing MPs' expenses. I guess they do not like proactive disclosure today either.

**The Assistant Deputy Speaker (Mr. Anthony Rota):** I just want to remind the hon. members that we only have 30 minutes. If they can keep their questions and answers as concise as possible, that would certainly be appreciated by everyone in the House.

Questions and comments. The hon. member for Saanich—Gulf Islands.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I do regret that the hon. President of the Treasury Board has taken so long with his answers when we opposition members are restricted to a finite 30 minutes to complain about the fact that our debate on this very important access to information bill will be restricted.

I want to put this directly to the President of the Treasury Board. I am very pleased that one of my amendments was accepted at committee, but even with that small measure, I cannot vote for this bill. As well, I do not know if we will be allowed to debate the bill that we cannot vote for, because access to information has become freedom from information under the government.

I would urge the President of the Treasury Board to release us from time allocation on this debate.

**Hon. Scott Brison:** Mr. Speaker, the hon. member, my colleague and leader of the Green Party, will fulfill her function as a member of this place and determine how she wants to vote on this. However, let us be very clear that this bill is an advancement in Canada's Access to Information Act.

This bill provides the Information Commissioner with order-making powers for the first time. It actually expands the access to information regime to cover over 240 Government of Canada entities from the ports to the courts.

In terms of balance, we have heard concerns from the Privacy Commissioner that we may be going too far, and concerns from the Information Commissioner, which we have reflected in our acceptance of some amendments.

We are listening, but we are also acting. That is something that no government has done in 34 years.

• (1030)

**Ms. Marilyn Gladu (Sarnia—Lambton, CPC):** Mr. Speaker, it is unbelievable that a government that claims to be open and transparent, that claims to want to consult broadly, is once again shutting down debate, especially on this bill that is so flawed.

We already heard my colleague talk about how everyone has panned this, from the Information Commissioner to the media, to the public, to anyone who knows anything about access to information, and yet we are not getting an opportunity to speak on it.

*Government Orders*

Even more grievous, this is another example of a broken election promise. The Liberals promised they would allow access to information requests to ministers' offices and the Prime Minister's Office. This bill clearly has nothing in there on that.

Could I ask the President of the Treasury Board why he is breaking another Liberal campaign promise?

**Hon. Scott Brison:** Mr. Speaker, our government actually published the Prime Minister's mandate letters to ministers. In fact, we recently started publishing the mandate trackers.

One of the things the mandate letters committed to, and members can go to the Prime Minister's site and the Government of Canada website to see this, was to modernize the Access to Information Act to apply it appropriately to ministers' offices and the Prime Minister's Office. In fact we are doing that with proactive disclosure, for instance, of briefing materials for new ministers, everything from question period binders to briefing materials before we appear before parliamentary committees, to mandate letters to ensure that no future government regresses. A lot of these proactive disclosures have simply been practises from which any government in the future could regress.

Today, what this would do, by codifying into law some of these advances made by our government and past Liberal governments, including that of Paul Martin, which was the first to proactively disclose ministers' expenses, is to ensure that no future government could easily regress, because they would have to come back to Parliament to change the law.

This is real progress.

[*Translation*]

**Mr. Robert Aubin (Trois-Rivières, NDP):** Mr. Speaker, I find all this incredibly ironic. Just as we are dealing with a bill on access to information, the government decides to deprive everyone who is listening to our debates of the opportunity to obtain that information. Just as we should be discussing whether this time allocation is urgently needed, the minister instead promotes his own bill. This is a truly Kafkaesque situation. My question is very clear, and I hope to get an answer that relates to my question and not the bill.

Why is it so urgent to deprive parliamentarians of their right to debate this bill?

**Hon. Scott Brison:** Mr. Speaker, after more than 30 years, we think it is very important to take action and modernize the Access to Information Act. That is exactly what we are doing with this bill. Maybe my colleague does not see the pressing need to modernize the Access to Information Act, but I disagree with him on that. We are making changes because modernizing the Access to Information Act is very important. Maybe he does not agree with our government's priorities and the need to modernize the Access to Information Act, but that is what we are doing with this bill.

[*English*]

**Ms. Joyce Murray (Parliamentary Secretary to the President of the Treasury Board, Lib.):** Mr. Speaker, I note from the debate that the Conservative members are against our modernization of the access to information law.

In his earlier remarks, the President of the Treasury Board commented on the commitment in the 2006 Conservative platform to do what our government is now doing, and yet for 10 years they did absolutely nothing.

What are the hon. minister's thoughts on why the Conservative government failed to take a single action to update this law?

• (1035)

**Hon. Scott Brison:** Mr. Speaker, my friend and colleague is doing a great job as Parliamentary Secretary to the President of the Treasury Board and I appreciate her work and support on an ongoing basis.

The previous government, the Conservative government, was the first government in the British Commonwealth to be found in contempt of Parliament for not providing information to Parliament. The Conservatives were heavily shrouded in secrecy during their regime. We have opened up government. We are raising the bar in openness and transparency, as we did in opposition.

One thing I want to also explain is the degree to which we have listened and are acting on what we have heard. For instance, we have heard concerns raised by indigenous organizations, including the National Claims Research Directors. This is why our government strongly supports amendments that have been made at committee, which would directly address those concerns. For instance, large or broad requests, or ones that simply cause the government discomfort, will not constitute bad faith, in and of themselves, on the part of a requester. We know the importance of access to information with respect to claims settlement and we want—

**The Assistant Deputy Speaker (Mr. Anthony Rota):** I remind the hon. President of the Treasury Board of the rule that answers should be approximately the same length as the questions.

Questions and comments, the hon. member for Moose Jaw—Lake Centre—Lanigan.

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** Mr. Speaker, I appreciate the words of my colleague and friend, the President of the Treasury Board. Unfortunately, the bill he is reflecting on would not do what he purports it would do. Let me give a couple of quick examples.

First, when the ethics committee was studying this bill, it made 28 recommendations. However, the Liberal-dominated committee only accepted one of those recommendations.

Second, the bill purports to strengthen the act by allowing the Information Commissioner to order access to information from ministers' offices, as well as the Prime Minister's Office. However, what the minister has not mentioned is that while the Information Commissioner may have the ability to order such requests, it does not make it mandatory for a minister or the Prime Minister's Office to respect that order.

*Government Orders*

In fact, as the Information Commissioner has already pointed out, quite rightfully, had the current version of the Access to Information Act, which the government says strengthens the act, been in place during the sponsorship scandal, we would have never found out all of the illegal goings-on by the former Liberal government. Information Commissioner Legault said that if Bill C-58, in its current form, has been passed, it would have meant that journalist Daniel Leblanc, back in the early 2000s, would have been unable to get the information, which eventually led to the sponsorship scandal being unveiled to the Canadian public.

How can the minister possibly state, with any veracity, that the bill would actually strengthen access to information, when in fact all the witnesses pointed out it would do exactly the opposite?

**Hon. Scott Brison:** First, Mr. Speaker, by giving the Information Commissioner order-making power, she can demand that a government department or agency provide information. The government department or agency would have 30 days in which to either provide the information or challenge her in court, with a decision ultimately being rendered by a judge. Government departments and agencies are not going to challenge the Information Commissioner in court without feeling they have a reasonable chance of defending their claims. This would provide the Information Commissioner with real authority that she has not had in the past.

In fact, the committee passed over a dozen amendments, which will help further strengthen, clarify, and make perfectly clear our government's intent to strengthen the access to information regime. There have been over a dozen amendments accepted, which is probably more amendments accepted by a government from a committee than the previous government did in nine years. We have taken this seriously.

For instance, we have heard from representatives of indigenous claims organizations and have addressed those concerns four square. We will continue to engage Parliament respectfully and strengthen the legislation.

● (1040)

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I have a quote from the hon. member in 2013 about time allocation. He said, "By moving forward with time allocation today in the House, Conservatives are further reducing that accountability to Canadian families, Canadian citizens and Canadian taxpayers." Why does he not have the same answer and the same position on time allocation today as he had in 2013?

**Hon. Scott Brison:** Mr. Speaker, we believe that modernizing Canada's Access to Information Act is important. We have heard from the New Democrats that they do not believe it is important to do this. They would rather not make this kind of progress. We have heard from the Conservatives that they do not believe it is a priority. It is a priority. We have been waiting for 34 years to do this and our government is actually getting it done.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, as the hon. member has said, it has taken 30 years to modernize these laws, which, in my way of thinking, means there is no urgency to rush the bill through Parliament. In fact, we should take some time and let parliamentarians, who are sent here by our constituents, actually have the ability to represent those views.

What exactly is the urgency to rush this through now? Does it have anything to do with the fact that the member's colleague stood in the House and represented to members of the House that there was no change whatsoever in the law or in the interpretation around applicants for disability credits suffering from diabetes and the fact then that an internal memo came out through access to information showing that this was actually false? Is the government so concerned about shutting down dialogue and debate that it is worried that people in the House will show Canadians that a member of his cabinet misrepresented things in the House, specifically revealed by access to information?

**Hon. Scott Brison:** Mr. Speaker, in the debate this morning, we have heard a couple of things from the New Democrats. One is that they have said they want this legislation withdrawn. They do not want to move forward with modernizing the act. They have made their minds up. For them the debate is over. They are against this. Then they say that they want more debate on it. Their position has ossified and it has not changed. Therefore, that is a signal to us that it is time to move forward.

The New Democrats are saying on one hand that they have made their minds up, that they are against this and from their perspective the debate is over. On the other hand, they say they want to have more time to consider it. If they have already made their minds up and their position is not changing, as they have said, then I am curious as to why they want more time to debate it. Surely to goodness we can reach a decision. Our government has reached a decision. It is high time to modernize Canada's Access to Information Act. After 34 years, we are the first government doing it and we are going to get it done.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP):** Mr. Speaker, the President of the Treasury Board's main argument is pathetic. It makes no sense.

He pats himself on the back in the House for wanting to listen to people and be transparent, but now he is limiting debate in the House of Commons on a bill on access to information.

In committee, the NDP proposed 20 amendments. How many were accepted by the Liberals who claim to listen to everyone? Zero. Not one NDP amendment was accepted in committee at report stage. That is disingenuous if we are trying to improve access to information, which has not been reformed or modernized in 30 years. What is the problem?

He says that the first nations are pleased and that ministers could provide proactive disclosure and a right to oversight over proactive government materials. The commissioner will not enjoy the same right to oversight over proactive materials.

Where is the transparency? Where is the modernization of an access to information bill that has been completely botched by the Liberals?

● (1045)

**Hon. Scott Brison:** Mr. Speaker, after more than 30 years, we are the first government to modernize the Access to Information Act.



*Government Orders*

We know that the NPD do not like proactive disclosure. They did not like it when our Prime Minister led the way by proactively disclosing members' expenses when we were in opposition. They still do not like proactive disclosure today. In a way they are being consistent, but I do not agree with their position. They do not see the urgency in modernizing this legislation. We will continue to work toward modernizing the Access to Information Act. After more than 30 years, it is high time that we did just that.

**Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP):** Mr. Speaker, one of the reasons why I went into politics was to fight against pervasive cynicism, which I find disheartening because I truly believe in our democracy. The government's 27th time allocation motion only fuels that cynicism.

If it is important to modernize the Access to Information Act, which has not been updated for 30 years, why did the Liberals set aside almost all of the Information Commissioner's recommendations? Why did they ignore their election promise and dismiss all the amendments?

The President of the Treasury Board says that it is a step in the right direction. Why do we want to talk about it and take the time to debate it? It is because it is too small a step and it does not point us in the direction we want to take. Canadians want transparency and they now have access to means of communication. They want to be informed, they are asking us questions, and they want us to truly represent them in the House. A time allocation motion like today's does not let us do that.

**Hon. Scott Brison:** Mr. Speaker, the committee adopted a dozen amendments to strengthen and clarify our government's intent to improve and reform our access to information system.

[English]

I can remember when we were in opposition and when I was in committees with members of the NDP. I think they would remember as well those times when no amendments would be accepted by parliamentary committees. Committees were viewed as branch plants of ministers' offices.

We are strengthening the parliamentary role and the independence of committees to modify and indeed strengthen laws. That is exactly what has happened here, with a dozen amendments being accepted and adopted by the government. She asked why the committee did not pass amendments from the NDP. That is a matter for the committee. Maybe they were not very good amendments.

However, the fact is that the committee did adopt 12 amendments. We are going to work with committees on a number of issues and legislation because we believe committees can strengthen those. Perhaps the NDP can—

**The Assistant Deputy Speaker (Mr. Anthony Rota):** The hon. member for Red Deer—Mountain View.

**Mr. Earl Dreeshen (Red Deer—Mountain View, CPC):** Mr. Speaker, I would like to give the minister an opportunity to clarify so he does not go on a list of other ministers who have said things that they then have had to retract. He mentioned that nothing had happened in 34 years. Because of the types of things that happened in previous Liberal governments, our government immediately presented the Federal Accountability Act. It strengthened the role of

the Auditor General and the Ethics Commissioner. It banned secret donations to political candidates. It provided real whistleblower protection. It strengthened public access to information. He seems to have forgotten this. He says that nothing has happened in 34 years.

He also seems to have forgotten, as an answer to one of my colleague's questions earlier, about why that had to happen. Perhaps he could mention the things that occurred so we do not have to go back over his words to see exactly how accurate they are.

• (1050)

**Hon. Scott Brison:** Mr. Speaker, I said that the previous government had not acted to modernize the Access to Information Act, and that is accurate. He spoke to other initiatives.

Joe Clark, a Progressive Conservative prime minister, was the first to bring forward access to information in 1979, but it was actually made law by the next government, the Pierre Trudeau Liberal government, in 1983. There is some cross-partisan authorship with respect to access to information, but we are the first government to—

[Translation]

**The Assistant Deputy Speaker (Mr. Anthony Rota):** It is my duty to interrupt the proceedings and put the question necessary to dispose of the motion now before the House.

[English]

The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Assistant Deputy Speaker (Mr. Anthony Rota):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Assistant Deputy Speaker (Mr. Anthony Rota):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Assistant Deputy Speaker (Mr. Anthony Rota):** In my opinion the yeas have it.

*And five or more members having risen:*

**The Assistant Deputy Speaker (Mr. Anthony Rota):** Call in the members.

• (1130)

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

(Division No. 431)

YEAS

Members

Aldag  
Amos  
Arseneault  
Badawey  
Baylis  
Bennett  
Bittle

Alghabra  
Anandasangaree  
Arya  
Bagnell  
Beech  
Bibeau  
Blair

*Government Orders*

Boissonnault	Bossio	Benson	Benzen
Bratina	Breton	Bergen	Bernier
Brison	Caesar-Chavannes	Berthold	Bezan
Carr	Casey (Cumberland—Colchester)	Blaney (Bellechasse—Les Etchemins—Lévis)	Block
Casey (Charlottetown)	Cormier	Boucher	Boudrias
Cuzner	Dabrusin	Boulerice	Boutin-Sweet
Damoff	DeCoursey	Brassard	Brousseau
Dhaliwal	Dhillon	Brown	Caron
Drouin	Dubourg	Carrie	Clarke
Duclos	Duncan (Etobicoke North)	Clement	Cooper
Dzerowicz	Easter	Davies	Deltell
Ehsassi	El-Khoury	Diotte	Doherty
Ellis	Erskine-Smith	Donnelly	Dreeschen
Eyolfson	Fergus	Duncan (Edmonton Strathcona)	Dusseau
Fillmore	Finnigan	Duvall	Eglski
Fisher	Fonseca	Falk	Finley
Fortier	Fragiskatos	Fortin	Gallant
Fraser (West Nova)	Fraser (Central Nova)	Garrison	Généreux
Fry	Fuhr	Gill	Gladu
Garneau	Gerretsen	Godin	Hardcastle
Goldsmith-Jones	Goodale	Harder	Hoback
Gould	Graham	Hughes	Jeneroux
Grewal	Hajdu	Johns	Julian
Hardie	Harvey	Kelly	Kent
Hébert	Hehr	Kitchen	Kusie
Holland	Housefather	Kwan	Lake
Hutchings	Iacono	Lauzon (Stormont—Dundas—South Glengarry)	Laverdière
Joly	Jones	Leitch	Liepert
Jordan	Jowhari	Lloyd	Lobb
Khalid	Khera	Lukivski	MacGregor
Lambropoulos	Lametti	MacKenzie	Maguire
Lamoureux	Lapointe	Malcolmson	Masse (Windsor West)
Lauzon (Argenteuil—La Petite-Nation)	LeBlanc	Mathysen	May (Saarich—Gulf Islands)
Lebouthillier	Lefebvre	McCauley (Edmonton West)	McColeman
Leslie	Lightbound	McLeod (Kamloops—Thompson—Cariboo)	Miller (Bruce—Grey—Owen Sound)
Lockhart	Long	Moore	Motz
Longfield	Ludwig	Nantel	Nater
MacAulay (Cardigan)	MacKinnon (Gatineau)	Nicholson	Obhrai
Maloney	Massé (Avignon—La Mitis—Matane—Matapédia)	Paul-Hus	Pauzé
May (Cambridge)	McCrimmon	Quach	Raitt
McDonald	McGuinty	Ramsey	Rankin
McKay	McKinnon (Coquitlam—Port Coquitlam)	Rayes	Reid
McLeod (Northwest Territories)	Mendicino	Rempel	Richards
Mihychuk	Miller (Ville-Marie—Le Sud-Ouest—Île-des-Sœurs)	Sansoucy	Saroya
Monsef	Morneau	Schmale	Shields
Morrissey	Murray	Shipley	Sopuck
Nassif	Murray	Stanton	Ste-Marie
Oliphant	O'Connell	Stetski	Sweet
O'Regan	Oliver	Tilson	Trost
Peschisolido	Ouellette	Trudel	Van Kesteren
Petitpas Taylor	Peterson	Van Loan	Vecchio
Picard	Philpott	Viersen	Warawa
Qualtrough	Poissant	Warkentin	Waugh
Rioux	Ratansi	Webber	Weir
Rodriguez	Robillard	Yurdiga	Zimmer — 120
Rota	Romanado		
Ruimy	Rudd		
Sahota	Rusnak		
Samson	Sajjan		
Sarai	Sangha		
Schiefke	Scarpaleggia		
Serré	Schulte		
Shanahan	Sgro		
Sidhu (Brampton South)	Sheehan		
Simms	Sikand		
Sorbara	Sohi		
Tabbara	Spengemann		
Tassi	Tan		
Vandal	Tootoo		
Vaughan	Vandenbeld		
Whalen	Virani		
Wilson-Raybould	Wilkinson		
Young	Wrzesnewskyj		
	Zahid — 160		

## PAIRED

Nil

**The Speaker:** I declare the motion carried.[*Translation*]

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

[*English*]

## THIRD READING

The House resumed from November 27 consideration of the motion that Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, be read the third time and passed.

**The Speaker:** The hon. member for Louis-Saint-Laurent has six minutes remaining in the questions and comments period.

The hon. parliamentary secretary to the government House leader.

## NAYS

## Members

Abouttaif	Albas
Albrecht	Allison
Anderson	Arnold
Aubin	Barlow
Barsalou-Duval	Beaulieu

*Government Orders*

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, here we have substantial legislation, where for the first time in the last three decades plus, as the President of the Treasury Board has talked about, we have legislation that is going to significantly change our access to information system.

However, once again, we see the Conservatives resisting change. We do not quite understand why that is. I can recall a whole proactive disclosure movement here on the floor, led by the leader of the Liberal Party at that time. It did not take long for the Conservatives to realize that it was a good thing.

Would my colleague across the way equally recognize that this, too, is a good thing, because it expands proactive disclosure to include ministers? Would the member not agree that proactive disclosure, at least that aspect of the legislation, is a good thing and worthy of supporting?

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Mr. Speaker, let me just give a history lesson. As the President of the Treasury Board said a few minutes ago, the first prime minister who tabled something about the subject in this bill was the Right Hon. Joe Clark, in 1979. It was a Progressive Conservative government that did that. In 1983, there was another pitch to do that. We recognize that it was made by the Liberals. That is fine.

For all those years, there was no fixing of this issue. It is not bad that we reopen the debate. We welcome that. However, as far as we are concerned, the situation is now worse than it was before. If they want to touch up a bill and be proactive, it must be good, not wrong. It is not us who said that. It is not the Conservative Party of Canada that said that. The commissioner responsible on the Hill said it is worse today than it was before.

If we want real change that is good change, this is not a good change today.

• (1135)

[Translation]

**Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP):** Mr. Speaker, I would like my colleague to tell me why it seems so easy for this government to break yet another election promise.

The Liberals promised to improve transparency and modernize the Access to Information Act. The small step in the right direction that they are currently taking is certainly not enough to say that they are improving transparency or modernizing the Access to Information Act.

What does the member think about this additional broken promise?

**Mr. Gérard Deltell:** Mr. Speaker, I thank the member from Saint-Hyacinthe—Bagot for her very relevant question. I commend her for her political involvement over the past six years or more.

It is important to recognize that the government has good intentions. It wanted to give Canadians greater access to certain information. The problem is that the Liberals promised the moon during the election campaign and they have not accomplished anything close to what they promised. That is the problem.

The Liberals were saying just about anything during the election campaign. On September 2, 2015, they promised to restore home mail delivery in the company of the former mayor of Montreal, Denis Coderre. They did not do that. They promised to run small deficits of less than \$10 billion, but they did not do that. The deficit is double what they promised. They promised to balance the budget by 2019, and they have absolutely no idea when they will do that. The list goes on and on. This government has a track record of saying one thing during the election campaign and then doing the opposite. The bill, as my NDP colleague from Saint-Hyacinthe—Bagot said so well, is yet another example of a broken promise.

**The Assistant Deputy Speaker (Mr. Anthony Rota):** The hon. member for Mégantic—L'Érable can ask a brief question, and the answer will also have to be brief.

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Mr. Speaker, I will try to be brief, but it will not be easy, because I wanted to talk about the irony of today's situation.

It is quite ironic to be facing a time allocation motion for a bill that is supposed to improve openness and transparency. It is quite ironic, and this is not the first time it has happened. I must be very brief.

I would like my colleague, a seasoned parliamentarian, to tell me whether he has ever seen the government act this way in any of the many Parliaments he has been through.

**Mr. Gérard Deltell:** Mr. Speaker, I have not had the privilege of being here in the House of Commons for previous Parliaments.

What is certain is that, as my colleague from Mégantic—L'Érable rightly said, whenever the government is in a tight spot and wants to ram a bill through, it cuts parliamentarians' speaking time. As my colleague so aptly put it, it is quite ironic for parliamentarians to be barred from speaking on a bill about transparency. It is unacceptable.

[English]

**Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.):** Mr. Speaker, my colleague from Winnipeg North will share the time I have to speak today.

As the member of Parliament for Sackville—Preston—Chezzetcook, in Nova Scotia, my riding surrounds the two big cities of Halifax and Dartmouth. We find a very high percentage of veterans in my riding. Some 23% of vets are in Nova Scotia, the highest population per capita. We also have many seniors. The number of seniors increased in my riding by 33% between 2011 and 2016.

I would like to thank the President of the Treasury Board for his excellent leadership, not only in government but also as the cabinet minister for the province of Nova Scotia.

The bill is extremely important to Canadians. It would increase democracy. It would allow for much more public debate. People would have much more information. The accountability and transparency in the bill would continue to allow Canadians to understand better what is happening, why it is happening, and why decisions are taken. Those are key components of the bill.

*Government Orders*

This has been a long-awaited process. It has been 34 years since we have seen a major overhaul. Things have changed drastically. It has surprised me to hear in the last couple of days the Conservatives continue to say that it is not enough. In the last 10 years, they did not do anything about this. That is why the Conservatives are really good in opposition. They can complain about how they would do it if they were in power, and then once they are in power, they just do not do it. I guess their best place to be is in opposition.

Our government conducted over 320 different types of consultations to gather as much information as possible so we could bring a bill forward. We have to remember that this is a living document. This is not something that is going to sit for the next 34 years. This is going to allow us to review it next year and then every five years. That is how bills should be done to make sure that we are responding to the needs of Canadians and to changes in society.

Why do we have to make changes? We know that we have to be more accountable and more transparent. We, as a government, ran on that issue, but also, things have changed. We have been putting all kinds of documents on paper and storing them on shelves and in cabinets, and we have not been in a position to quickly respond in an efficient way. That has been a major issue.

The bill would add a very important piece, which is proactive publication. We would expand publication to be proactive so that people would have the information. That would save enormous time, because much of the publication would already be online, which is extremely important.

Not only would we be going to all 240 departments, we would also include the Prime Minister's Office and the ministers' offices. That is a major change in this process we are bringing forward.

To show that we are a government that is very progressive, we have accepted up to 10 amendments, which have been integrated into the bill. I have not seen too many past governments, especially in the last 10 years, accept all kinds of amendments to make a bill better and to make sure it is a living bill so that we can make adjustments as needed.

Let us talk about the mandate letter as well. Before the bill was even spoken about, the mandate letter was already open and transparent. Who made that mandate letter public? It was our Liberal government, just as it was our government, 34 years ago, that brought in the act initially. There is a trend here that we should keep focused on.

• (1140)

We accepted amendments from colleagues on disclosure being 30 days or less. This would help make sure that requests came forward quickly and would reduce demand, because there has been a 13% increase yearly in the demands for information. That is major.

I would also like to talk about the Information Commissioner. We would give more power to the Information Commissioner than existed before. Again, we should keep in mind that this is a living document. We are going to make sure that we do it right as we move forward. We would give the Information Commissioner order-making powers to resolve various complaints so that she could look into the issues and provide feedback as to how to proceed.

We would also give the Information Commissioner the final word, so to speak, in denying requests. The department, by itself, could not deny requests. It would have to have written permission or approval from the commissioner. That would be a major change and shows that this bill is a progressive one that would allow us to continue to improve our open and transparent government.

The Information Commissioner would also be able to conduct a review to see if disclosures were complete, as they should be. In other words, there would be some consistency among departments. No department would be able to withhold information that was critical or important. Those changes are very important.

The mandatory reviews would occur at one year and five years, which is very progressive. It would ensure that we continue to do things right for Canadians.

Let us talk about the government and Liberal values, and let us not limit ourselves to the last two years. Liberal values have been crucial in building this great country. By that I mean that it was a Liberal government that brought in the national health care accord. We brought in the OAS way back when. We also brought in changes to the CPP last year, which the Conservative government could not do in 10 years. Are members surprised? I can tell them why. It is a very simple answer. The reason the Tories did not make changes in 10 years is that they never consulted with the provinces. If there is no consultation, there can definitely not be an accord on important issues.

It is also important to realize the transparency we have created. For appointments, such as senators, commissioners, and all kinds of appointments, any Canadian who feels that he or she qualifies can submit his or her name to be approved for various positions. That, by itself, is very transparent and open. We have opened up political financing and fundraising as well.

Let us talk about science. For 10 years, scientists were not allowed to share any opinions or factual information, but with our government, that has all changed, and Canadians are extremely satisfied with that.

In closing, I will say that this government is a progressive government. This government knows that it can and will do better. We are not afraid to take on all kinds of difficult challenges, because we are here for Canadians. This act is very important, but it is only a stepping stone. It is like a ladder. One does not start at the fifth step; it is one step at a time. We will meet the needs of Canadians, because we will be able to review the bill every five years and make the necessary adjustments for Canadians.

• (1145)

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, I listened with interest to my colleague, who waxed eloquent about the guidelines, mandate letters, and the increased accountability of the government. I will read from the mandate letter to the finance minister that was issued in November 2015, which states:

*Government Orders*

As Minister, you must ensure that you are aware of and fully compliant with the Conflict of Interest Act and Treasury Board policies and guidelines. You will be provided with a copy of Open and Accountable Government to assist you as you undertake your responsibilities. I ask that you carefully read it and ensure that your staff does so as well. I draw your attention in particular to the Ethical Guidelines set out in Annex A of that document, which apply to you and your staff.

Does my colleague believe that the mandate letters were worth the paper they were written on, when we see the kind of disregard that almost all the ministers have had for those mandate letters?

• (1150)

**Mr. Darrell Samson:** Mr. Speaker, that is an ironic question really, because the mandate letter the member is referring to does exist, and everyone in the House, as well as all other Canadians, knows what is in the mandate letters. However, when their prime minister gave his mandate letters to his ministers, peekaboo, no one knew what was in them, and so the ministers could do what they wanted to.

Second, the member made the point about the Ethics Commissioner. However, the Minister of Finance did exactly what everyone in this House did, all 338 members of Parliament. They were elected, they were consulted, they gave the information required, they received feedback from the Ethics Commissioner, and they followed that feedback. There was nothing different for the Minister of Finance from anyone else in the House.

[Translation]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I am going to change the tone of the debate, if I may. My colleague has obviously carefully memorized his government's talking points. I congratulate him on saying his lines so eloquently.

However, does he think it is okay that the members of his party are the only ones applauding this bill? I am not talking about the opposition. The experts who have reviewed this bill, including the Information Commissioner, have come out very strongly against it. They believe that overall, the bill is a step backwards.

Does my colleague think it is okay that the Liberal Party is alone in praising this bill? Does he see nothing wrong with the fact that the Liberals are the only people in Canada who think this bill is a step forward?

[English]

**Mr. Darrell Samson:** Mr. Speaker, if the member wants to change the tone, then I should change it as well and say that the NDP has talked and talked, but I do not know how we could answer to everything they request, because they are never satisfied. If we go 75% of the way, they still say 25%. If we go 125% they still say we could have done 25% more. Listen carefully: This is a living document.

[Translation]

It is a living document that will allow for any necessary changes to be made. We are not going to change the world tomorrow, but we will make sure that when we review the legislation in the coming years, we will be able to better address the concerns of Canadians. We will then see the benefits of this change to Canadian society. Therefore, we will continue with our work.

[English]

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Mr. Speaker, just to underscore the hypocrisy of what we are hearing from the other side, I think the member eloquently put it that the irony here is that the opposition has an opportunity to criticize these mandate letters, as they have been doing throughout this debate, because of the fact the government is committed to being open and transparent.

Could the member comment on exactly how important that is, not just for us here today but also for the democratic institution we belong to?

**Mr. Darrell Samson:** Mr. Speaker, again, these are open and transparent mandate letters that every Canadian is aware of. The Prime Minister's Office has to divulge information and the ministers' offices have to divulge information, as do judges. Everyone is responsible to answer to government, and everyone is responsible to answer to society. This is what the bill would do. However, it is a living document, and we are going to continue to improve it.

We are not sitting back, as the Tories did for the last 10 years, and blindly refusing to do anything on this important file.

**The Assistant Deputy Speaker (Mr. Anthony Rota):** Before resuming debate, I want to point out that earlier, when the President of the Treasury Board was speaking, his earpiece was very close to the microphone and we were getting feedback. We seem to be getting feedback again, but it seems to be of a different kind. Therefore, I will remind hon. members that we do have decorum in the House.

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I would like to start by reflecting on one of the questions that was posed as to why the Liberals want to push this forward, yet no one else inside the chamber sees its merit. It is like a flashback of sorts, because this is not the first time that has taken place in regard to this very same issue.

In looking at access to information, the minister responsible, the President of the Treasury Board, has pointed out how long ago it was that substantive changes were previously made to the act. We have to go back to the late 1970s. Ultimately the credit goes to Joe Clark, who introduced the legislation. Nonetheless, let us not confuse the Progressive Conservatives of 1979 with the Conservatives/Reformers of today because there is a substantial difference. There might be some members within that caucus, very few, who could relate to the Progressive Conservatives, but it is more of that Reform faction that is still there in a very real way. It was Pierre Elliott Trudeau then, who took idea of Joe Clark and put it into place, but no prime minister since Pierre Elliott Trudeau has taken on the task of looking at modernizing the legislation. Even though Stephen Harper in a campaign said he would reform the act, that never took place.

*Government Orders*

Let me focus on the flashback I referred to. When our current Prime Minister became leader of the Liberal Party, the members who served a few years back will recall that the leader of the Liberal Party said he believed in proactive disclosure and that the Liberal Party in third-party status wanted it to apply to all members and political parties inside the chamber. My colleagues will remember the reaction at the time. It was an outright no from the Conservative Party and the New Democratic Party. We stood alone as the official opposition, and the government of the day said no to proactive disclosure, to the idea that was being promoted by the leader of the Liberal Party. A few months later, and even before that, the leader said that Liberal members of Parliament were expected to provide proactive disclosure of their expenses, of their members' office budgets, and the Liberal Party on its own moved in that direction.

To the credit of the former Conservative government, its members recognized there was merit to that. In fact, it was not that long afterward, a few months later, that the Conservatives said that they too would participate in proactive disclosure. I give them credit for recognizing that as something Canadians wanted to see. My friends, the New Democrats, on the other hand, fought it tooth and nail. They did not want anything to do with proactive disclosure. In fact, if my memory serves me correctly, it was the Liberal Party that brought forward an opposition motion that obligated the NDP members to stand in their place and say it was a bad idea. Before that, it was behind the curtains that they were yelling, "no, no, no, bad idea, we do not want it", saying no to unanimous leave inside the chamber. The New Democrats were almost embarrassed to support it, and ultimately because of that round of embarrassment, they came onside months later, probably closer to a full year later.

When my colleague on the New Democrat benches across the way talks about the government not having the support of the official opposition or the NDP for the bill, I would point out that we did not have their support back then either. The Conservatives saw the light a little sooner than the New Democrats. The New Democrats saw the light after being shoved into it.

● (1155)

What we are debating today is further proactive disclosure to include not only members of Parliament but also the Prime Minister's Office, ministers' offices, and other independent offices. Why would the NDP, in particular, but the Conservatives also, not recognize the true value of what is proposed in this legislation? I can understand the unholy alliance that has taken place, especially during question period and on certain issues, between the New Democrats and the Conservatives, but I do not quite understand why they persist in saying that this is bad legislation. Access to information has not been modernized for decades. As my colleague from the Atlantic coast pointed out, not only will this legislation be changed today, but within the legislation we also have a review clause. Therefore, by passing this legislation, we would be mandating in law that the legislation be reviewed periodically so that we do not have a 30-year gap between the times that we look at ways to improve access to information.

Another aspect worthy of note is how we are empowering and enabling the commissioner to require and request reports or comments on specific issues that have been brought to his or her attention by members of the House and others. I would argue that is

a significant and positive achievement. I would have thought that members would easily support this expansion of the commissioner's ability to require comments.

Many of those who are listening to or following the debate might ask what proactive disclosure is. Often, there are individuals who want to try to draw out more regular information from government. We have seen that with governments of all political stripes. Proactive disclosure is one of the ways we can deal with the many different types of questions being asked of the commissioner or the departments in the first place. As opposed to requests having to come in, the information would automatically be made available. This service will better facilitate the flow of information. It will ensure that there is a higher sense of accountability and transparency in government. Members should not be surprised by this. Not only did the leader of the Liberal Party initiate the debate on transparency and accountability through proactive disclosure, but we even talked about enhancing it more in the last federal election. That is exactly what we have done. For example, we require that mandate letters and revised mandate letters to ministers be incorporated. Some might ask why we would do that. It is because this Prime Minister has made that information public. There is great value in that. For the first time, the public has access to what the Prime Minister is mandating ministers do within their departments and what some of those expectations are. The briefing packages to ministers are also being considered for proactive disclosure.

● (1200)

There is a list of things that are eligible and will be incorporated under proactive disclosure. There is a litany of things that I believe clearly demonstrate that this Prime Minister wants to and is prepared to bring in legislation to ensure we are more transparent, accountable, and that future governments would also have to live within this legislative framework. I believe this is a very strong positive.

● (1205)

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, speaking of proactive disclosure or mandate letters, clearly all of this is empty rhetoric when it comes from the Liberal Party. I read a brief excerpt from the mandate letter to the Minister of Finance, and I point out that it talks about this being an obligation that is not fully discharged by simply acting within the law. He was going beyond in saying that the actions he takes not only have to be according to the letter of the law but they must bear up under the most intense public scrutiny. Earlier my colleague referred to a living document. He referred to the mandate letters. Well, the mandate letters certainly appear to be dead.

If the minister followed all the guidelines, as has been charged by all my colleagues, why, if that is so, was the minister charged on two separate occasions by the Ethics Commissioner? He was fined. Also, why did he take two years to disclose the ownership of a public villa in France and disclose a private numbered company held in Alberta? That seems incongruent to me.

*Government Orders*

**Mr. Kevin Lamoureux:** Mr. Speaker, let me deal with the relevant part first. The member quoted from a mandate letter. We know that Stephen Harper never made mandate letters public. We now have a Prime Minister who has made mandate letters public because Canadians have a right to know what those priorities are for the government of the day. Further to that, within this legislation, it would obligate future prime ministers to do likewise, ensuring more transparency and accountability. That is the relevance to the legislation that we are debating today.

In regard to his assertions, it is all part of the whole character assassination of the Minister of Finance. If the opposition wants to continue down that line, that is up to them. We will continue to work hard serving Canada's middle class, those aspiring to be a part of it, and those individuals who are having a difficult time, by bringing in good sound public policy that has helped to generate literally hundreds of thousands of jobs.

[*Translation*]

**Mr. Robert Aubin (Trois-Rivières, NDP):** Mr. Speaker, I seriously doubt that Canadians or Quebecers are still listening to this debate, which is only fuelling the cynicism we often find in politics. However, we are currently debating a very important bill that deals with access to information. It is becoming more and more obvious that this government is all talk and no action.

For example, the new Bill C-58 introduces a new loophole that will allow any minister to decline to act on a request if he or she deems that it is too general, that it will seriously interfere with the government's activities, or that it was made in bad faith.

Here we have one of the dozens of statements of principle that are in this bill but have no real application.

My question is very simple: how does the government intend to guarantee that the rules are interpreted in the same way by all ministers?

[*English*]

**Mr. Kevin Lamoureux:** Mr. Speaker, I do not share the same concern that the member does. Ultimately those decisions are appealable to a commissioner who has more authority as a direct result of this very legislation, which, in all likelihood, the member across the way is going to be voting against.

If I were to ask the member a question based on the legislation we have before us, it would be related to why the NDP seem to be at odds in terms of the need for proactive disclosure. I do not understand that. I do not understand how it is that the NDP time and time again wants to resist something that ensures there is more accountability and transparency to Canadians from government policy. It continues to want to put up roadblocks.

The NDP talks about the issue of time allocation. At the end of the day, it would be nice to see legislation pass. At the end of the day, I suspect that the NDP would do whatever it could—and it does not take much—to prevent legislation from passing. Anyone with a little leadership and 12 people can virtually prevent any bill from passing. I am glad we recognize, at least on this side of the House, it is time that we make the changes necessary. This act has not been changed in a significant way for over three decades.

●(1210)

[*Translation*]

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Mr. Speaker, I am pleased to rise to speak to Bill C-58. Actually, that is what I was supposed to talk about, but the government has given me yet another opportunity to talk about its closed-mindedness and lack of transparency by moving another time allocation motion, this one for a bill that has to do with access to information. How ironic.

I am very glad to have the chance to speak after my colleague, the parliamentary secretary, who chose to talk about things that happened in the past. His eloquence and his legendary speaking skills in Parliament are well known to us all. There is a reason he has said more words in the House since the beginning of the session than any other member. He has been more vocal than anyone else during this Parliament as well as during the previous one. I believe that, more often than anyone else, he condemned the Conservative government's time allocation motions, which it did use to get its legislation through. The parliamentary secretary once had some choice words about democracy, the work of parliamentarians, and how outraged he was about time allocation motions.

This government was elected on a promise not to use time allocation motions, in order to allow for full debates. It was elected on a promise of basic openness and transparency. It promised it would be open at all times and would sometimes say no. The parliamentary secretary was the spokesperson of that election campaign.

What have we here today? In two years, this government has broken the previous government's record on using time allocation motions. It has used them on a number of very important files, including marijuana legalization, a subject that Canadians wanted to hear more about. Canadians represented by members on this side of the House wanted them to take the time to express their views on the matter. I am also convinced that many people represented by members across the way would have liked them to speak and fully explain their thoughts on Bill C-45 about marijuana legalization instead of repeating government talking points. Unfortunately, the government has used time allocation yet again, as it has done in so many other cases.

Speaking of flashbacks, the parliamentary secretary should also flash back to the eloquent speeches he gave in the last Parliament. They might inspire him to add to today's debate on time allocation motions. In his presentation, he also talked about the past Conservative government that saw the light on proactive disclosure. The Conservatives in government at the time adhered to that policy. Unfortunately, today's Bill C-58 takes us back to the dark ages. I am not the one saying this, it is the Information Commissioner. I will come back to her in a moment.

*Government Orders*

If the Liberals saw the light while they were in opposition, the light has unfortunately gotten steadily dimmer since they came to office, and we are heading for total darkness. The parliamentary secretary boasts that Bill C-58 will be open to periodic review. This morning I heard it called a “living document”. However, I wish the government had given life to something better, because right now, its living document seems doomed to a worthless existence.

●(1215)

We can already expect this bill to go nowhere in terms of delivering on the objectives and intentions that the Liberals announced during the last election campaign. It will not meet any of its objectives. Sadly, as far as those objectives go, this document is stillborn. Bill C-58 is not a living document. If it were, the government would have accepted the committee's recommendations. It would have agreed to amend its so-called living document from the outset in order to improve it and eliminate its dark and murky aspects by listening to the recommendations of the Standing Committee on Access to Information, Privacy and Ethics. Unfortunately, all of the committee's recommendations were rejected.

That is not what I would call a living, open, and transparent document that can be improved upon. The government had already made up its mind, and it refused to amend and refine the bill into something that we on this side of the House could support.

The Liberals' approach is nothing new. Every time the Liberals introduce a bill on which we could have all worked together to move certain files forward for the good of Canada and Canadians, they find a way to sneak in some totally unacceptable legislation. They know very well that there will not be unanimity and the opposition will vote against the bill. They put things in that go too far or that do not make sense. Then they say that there are good things in the bill and they wonder why the opposition does not support it. It is because the Liberals overlook all the bad things. That is how the Liberals see things. They speak in general terms and have a massive public relations campaign, but when we start getting into the details, when we look beyond all the pretty words and pretty pictures, we find that there are many flaws. The quality and the resolution of the image are not always very good.

We have become accustomed to seeing a lot of shenanigans from the Liberal government. Since I was elected in 2015, I have seen that there are all sorts of ways of using the legislative process. The Liberals are trying to do things and they are especially trying to get out of the promises they made to Canadians in order to get elected in 2015. The Liberals realized that they could promise just about anything but that it is not so easy for a government to keep such promises.

I think the Liberals are going through a tough time right now because they made all sorts of promises in order to get elected. They promised Canadians just about anything, but now they are unable to keep those promises, so they have to find a way to get out of them. They decided to introduce a bill that does not accomplish what it is supposed to accomplish, thinking that would at least get people talking about the issue.

However, talking does not change anything. If all the government does is talk about an issue, if it does not change the laws, if it is not really held to account, and if it does not keep the promises that it

made to Canadians, then Canadians end up with a government that does things that people did not elect it to do. That is what is happening today.

A number of things in Bill C-58 do indeed reflect Liberal promises. The Liberals made the following promise: “We will make government information more accessible.” Clearly, based on my reading of the bill and in light of what members of this cabinet have been doing, this government has no intention of increasing government openness and transparency. Instead, Bill C-58 actually undermines access to information in Canada. There is a great deal of opposition to Bill C-58.

This government claims to be open by default, and yet, the fiercest opposition to Bill C-58 is coming from the most loyal defenders of government transparency and access to information. What is wrong with this picture? We are talking about journalists, civil liberties groups, and yes, even the federal Information Commissioner. Indeed, the individual responsible for enforcing the legislation we are debating here today has criticized much of what is in Bill C-58.

●(1220)

In a report released in September, Ms. Legault said that Bill C-58 fails to deliver the fundamental reform the Access to Information Act needs. She said that the government's proposals actually introduce new barriers to the process Canadians must go through when requesting government documents. One would expect to hear that kind of thing from the opposition Conservative Party because our job is to criticize the government. However, that message is from the Information Commissioner, who is responsible for enforcing Bill C-58.

The report is entitled “Failing to Strike the Right Balance for Transparency”. The title says it all. Here is what the report says:

In short, Bill C-58 fails to deliver.

The government promised the bill would ensure the act applies to the Prime Minister's and ministers' offices appropriately. It does not.

The government promised the bill would apply appropriately to administrative institutions that support Parliament and the courts. It does not.

The government promised the bill would empower the Information Commissioner to order the release of government information. It does not.

Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights.

It is the sad story of a government that promised things it had no intention of doing, or a government that improvises and was clearly not ready to govern. Two years after the election, I think that any political observer can confirm what I am saying. The government was not ready and, now, it is improvising and trying to look like it is keeping its promises, which it is entirely incapable of doing.

Let me get back to the Information Commissioner's special report. The tables at the end of the report are impressive. They include a comparative summary, as well as information about improvements to Bill C-58, the current situation and other items. In short, we can see whether the various elements of the bill are positive, or whether they constitute a regression.



*Government Orders*

On the topic of making requests, we have a regression; declining to act on requests, regression; declining to act on requests for institutions, positive. Let us be fair, there are positive elements. The Prime Minister's Office and mandate letters are neutral; ministers' offices, regression; government institutions, regression; Parliament, regression; courts, regression.

With respect to fees, the process was to be streamlined and the fees abolished, but the changes still constitute a regression. On the topic of oversight model, we have a regression; seeking representations from the Privacy Commissioner in the course of an investigation; regression. That is a lot of regression, and this is not just my opinion. Mediation will be positive if added. The publication of orders will be positive if added.

The examination of solicitor-client privileged records is a positive. We are not being partisan: the impact of the purpose of the Access to Information Act is unknown. On the transition to a new oversight model, we have a regression; and the impact of the mandatory periodic review is unknown.

I can see why the impact of a mandatory periodic review is unknown. Since we began considering Bill C-58, several good suggestions have been made to improve it. The government did not take any of these suggestions into account. I understand why the commissioner has certain questions concerning the purpose of the mandatory periodic review.

The report ends on a negative note. The changes to Info Source, or the requirement institutions have to annually publish certain classes of information, constitute a regression, and lastly, on the topic of institutions' annual reports on the administration of the Access to Information Act, we have yet another regression.

• (1225)

We are not the ones saying this. It is in the report of the Information Commissioner of Canada, whose title speaks volumes: "Failing to Strike the Right Balance for Transparency". This document made recommendations to the government for improving Bill C-58 so that it would meet the openness and transparency needs not of the official opposition, the NDP, the Bloc québécois, the Green Party, independent members of Parliament or Liberal backbenchers, but of Canadians.

Unfortunately, "Failing to Strike the Right Balance for Transparency" is the report card for Bill C-58. That is why the Liberal government had to put forward a time allocation motion today, to silence the hon. members of every opposition party here in the House. It does not want us to spend time repeating that the Information Commissioner said that it was way off the mark.

Mr. Speaker, if you knew everything that people were saying and all the articles that were being written about Bill C-58, you would also have a hard time understanding the government's intention. According to the cofounder of Democracy Watch, the bill constitutes a regression in that it allows government officials to decline requests for information if they believe that the request is frivolous or in bad faith.

Let us put ourselves in the shoes of a member of cabinet who is being asked questions about his villa in France and who decides that the request is frivolous or made in bad faith, since where he spends

his vacation is no business of Canadians. This person would refuse to answer the questions. That is what Democracy Watch is denouncing.

Also, well-known defender of Canadian democracy Mr. Conacher says that public servants should not have this power, because they will likely use it as a new loophole to decline giving the public the information to which it is entitled. That is exactly what I have been saying since the beginning.

Bill C-58 also imposes new obligations on people requesting information. The act currently requires government institutions to make every reasonable effort to assist a person making a request, regardless of the information requested. However, under the proposed legislation, people requesting information will have to provide more specific information about the exact type of document they are looking for, the period in question and the exact subject.

In other words, if I want to know more about the elimination of a tax credit for diabetics and I do not give the exact name of the tax credit and the form, the people across the aisle may decline to give me the information. Still, as far as I know, Canadians have the right to know why the government eliminated the tax credits for diabetics. When a major change affects the lives of those who are the most vulnerable, Canadians have the right to know why the change was made and why the minister did not inform the opposition and all Canadians. I think that is logical.

It is as if the government wanted to find more ways of hiding the truth from Canadians. I do not dare say it, but this bill looks like another attempt at a cover-up on the part of the government, and yet, all it is doing is revealing to Canadians just how unprepared it was to govern. That is our assessment of Bill C-58.

It is probably for that reason that the government does not want to have to answer questions about tax reform, the Morneau affair, Netflix taxes, the small deficits they promised, NAFTA, China, home mail delivery, and the Prime Minister's vacation on a private island, which was talked about a lot. It is probably the reason why Bill C-58 is before us today and why we are subject to time allocation.

The promise of openness and transparency is a failed public relations exercise, and I would remind members that, according to the Information Commissioner, the government has failed to meet its goal to be transparent.

• (1230)

[*English*]

**Ms. Karen Ludwig (New Brunswick Southwest, Lib.):** Mr. Speaker, during the 2015 campaign, I heard from many people about the previous government, the concern about the lack of openness, the lack of transparency and the direction to dismantle and destroy a scientific library in my riding.

*Government Orders*

We are the government of openness and transparency. I hear that often in my riding, and nationally. People are pleased with the access to information they can receive. Yes, they want greater access, but they also want more efficiency, which Bill C-58 would help to master.

Does the member support proactive disclosure?

[*Translation*]

**Mr. Luc Berthold:** Mr. Speaker, it makes me laugh when they repeat the same talking points over and over again.

The government claims to be open and transparent, and it claims to be open by default. During oral question period, we ask questions about the financial situation of the Minister of Finance, who is the most influential minister and should be the most important minister, the one fully trusted by all Canadians. The government refuses to answer the questions asked by the opposition and by Canadians every time. It makes me laugh when they constantly repeat a broken promise.

When she asked her question, my colleague said that the government came to power by promising an open and transparent approach. I believe she said this in good faith. Unfortunately, after being in power for two years, this government has shown us that it is incapable of keeping its commitment to be open and transparent.

**Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP):** Mr. Speaker, I would like to thank my colleague for his speech.

I believe that, like me, he has no problem with proactive disclosure. In my opinion, the problem is that the Liberals are confusing proactive disclosure and access to information. They are two different things. The problem with this bill is that there will be no transparency. We will not have access to information from the Prime Minister's Office or the ministers' offices, and I am convinced that that is not what the people I represent want. They want true transparency.

Does my colleague agree with me that the Liberals are confusing proactive disclosure and access to information?

**Mr. Luc Berthold:** Mr. Speaker, I think that the Liberals are confusing election promises and government action.

Unfortunately, in their confusion, they are forgetting to fulfill their election promises. Therefore, I think that shows that the government is incapable of being proactive with respect to the disclosure of the concrete actions it takes as a government.

**Hon. Peter Kent (Thornhill, CPC):** Mr. Speaker, I would like to thank my colleague for his comments.

[*English*]

I agree fully with his observation that the Liberal government promised much. It promised transparency, accountability, but did not deliver it, spectacularly. The Liberals claim they consulted widely and they did, but they did not listen.

The Liberals characterize Bill C-58 as living legislation. Unfortunately it is not quite dead but it should be; it is on life support. We know that because of the Liberal majority and the heavy-handed imposition of time allocation, now cutting short debate, which should be much longer, the bill will pass, will become

law, and will take Canadians backward in their legitimate right to know how they are governed, their access to information.

Does my colleague share my great and deep disappointment that this vitally important debate has been cut so short?

• (1235)

[*Translation*]

**Mr. Luc Berthold:** Mr. Speaker, it is incomprehensible, unacceptable and, at the same time, ironic that the government is trying to cut short discussions on Bill C-58 while claiming that it is a living document.

I sincerely cannot understand the government's attitude toward Bill C-58, a bill on openness, transparency, and the desire to be open by default. Today we see that "open by default" is once again just a point of debate, a way for the government to hide its inability to fulfill all the promises it made to Canadians with respect to openness and transparency.

[*English*]

**Mr. John Brassard (Barrie—Innisfil, CPC):** Mr. Speaker, we are certainly seeing Canadians dog-pile on this bill as being regressive. Yesterday, indigenous leaders who held a press conference on the Hill were slamming this as regressive. We are seeing that all across the country.

The hon. member has been sitting in this House, as I have. This is the government again that ran on openness and transparency. However, nothing could be further from the truth. We have seen a display in question period. In my riding, it is jokingly called "non-answer period".

If we cannot have enough confidence in the government to answer questions in this House, how will we have enough confidence in their ability to answer questions of Canadians through this bill?

[*Translation*]

**Mr. Luc Berthold:** Mr. Speaker, I think that this is a missed opportunity. The title of the Information Commissioner's report is "Failing to Strike the Right Balance for Transparency". It speaks volumes.

In fact, I think that the government is missing a good opportunity to act openly and transparently, by not answering the official opposition's questions during question period.

I do not know how many times I have heard them say, "We will help the middle class and those working hard to join it", or "We want a good agreement, not just any agreement". For the government, it is as if this constant repetition were more important than reality and the answers we are waiting for on this side of the House.

At some point, Canadians will tire of the prepackaged comments they are hearing from government ministers. What Canadians want are answers. Not only do the Liberals not want to provide answers here in the House but, with Bill C-58, they are making it even more difficult for Canadians to get real answers from the government.

*Government Orders*

[English]

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the opposition may choose to ask a question 25 times. When I say 25 that is conservative, in the real sense of the word. A question can be asked many times, but if the answer does not change, it does not mean that the answer is not good. It could imply that the question is not good or that the person did not understand the answer.

That is a little off topic. The relevance of the bill is that the bill talks about ensuring more transparency and accountability. We cited the example of the ministers' mandate letters.

I am wondering if my colleague across the way would acknowledge how nice it would have been if the former prime minister had done what this Prime Minister did to make public the mandate letters given to ministers. It helps Canadians have a better understanding of the government's agenda, in detail, from the different departments.

[Translation]

**Mr. Luc Berthold:** Mr. Speaker, I will try to respond to the many questions and insinuations that my colleague raised in order.

With regard to the fact that we ask the same question over and over again, when we do not get any answers we try asking the question in different ways, using different words, in the hopes of getting an answer. At least we ask the question in different ways. The Liberals always answer using the same words, the same rhetoric, and the same hollow phrases. As long as they continue doing that, we will continue to ask questions, but we will at least try to change the wording so that it is not always the same.

With regard to the mandate letters, it is all well and good to tell people that the mandate letters will be made public. However, we must not forget that the Prime Minister knew when he wrote those letters that they would be made public. Are they really mandate letters or just another public relations exercise? Fortunately, we can read the mandate letters every day and see how utterly incapable the ministers are of following through on them.

• (1240)

[English]

**Hon. Peter Kent (Thornhill, CPC):** Mr. Speaker, I will be sharing my time with the member for Richmond—Arthabaska.

As we have heard many times today, again, the legislation before us, Bill C-58, which the Liberal government is steamrolling to pass through the heavy-handed imposition once again of the legislative guillotine of time allocation, has been characterized in many ways.

The BC Freedom of Information and Privacy Association dismissed the so-called proactive disclosure provisions as a bizarre sleight of hand.

Democracy Watch calls Bill C-58 a step backward.

The Canadian Association of Journalists ridiculed the President of the Treasury Board for “outstanding achievement in government secrecy” and conferred on the Liberals a “code of silence” award.

La Fédération professionnelle des journalistes du Québec said that rather than the promised greater openness from this Liberal government it was a false alarm, too good to be true.

The Centre for Free Expression at Ryerson University says Bill C-58 is little more than a cosmetic touch-up.

The Algonquin Nation Secretariat, on behalf of the National Claims Research Directors, rejected Bill C-58 as it was originally written for installing “significant new barriers for First Nations” trying to access historic information for their land claims. They have a right to access that information.

From experts on open government principles across the country there has been condemnation of the parts of Bill C-58 that allow the government to deny access to documents the government claims contain confidential cabinet information, which the experts characterize still today as the deepest black hole in Canada's access to information system.

As well, there are any number of other negative characterizations of the flawed legislation before us, but the most telling comes from the Information Commissioner herself.

After the Liberal majority ignored the unanimously negative votes from this side of the House at second reading by Conservatives, the NDP, the Bloc, and the Green Party, Commissioner Legault sent her own strongly worded message to the government, to members of the House, and to all Canadians. It was titled “Failing to Strike the Right Balance for Transparency—Recommendations to improve Bill C-58”. It is relevant to read just a few of the commissioner's remarks into the record.

Commissioner Legault reminded us that, “The Liberal government was elected on a platform of openness and transparency... promising to renew Canadians' trust in their government...to lead a review of the outdated Access to Information Act to enhance the openness of government.” Commissioner Legault concluded, “In short, Bill C-58 fails to deliver.”

She said the government promised the bill would ensure the act applies to the Prime Minister's Office and ministers' offices appropriately. “It does not”, she said, with emphasis.

She said the government promised the bill would apply appropriately to administrative institutions that support Parliament and the courts. Again, with emphasis, she said, “It does not”.

She said the government promised the bill would empower the Information Commissioner, to empower her, to order the release of government information. Again she said clearly, “It does not”.

The commissioner summed up her assessment of Bill C-58 with telling finality, “Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights.”

*Government Orders*

She then, across some 45 pages of detailed criticism, marked the government's proposed legislation section by section, paragraph by paragraph, as a disappointed high school teacher might mark an under-fulfilling student. There are 12 red-line failures, regressive elements, in the commissioner's assessment, a couple of neutrals and a couple of positives.

When the commissioner came before our committee, she reiterated her conclusion that Bill C-58 is overwhelmingly a regressive piece of legislation that diminishes Canadians' right to know.

She spoke again to the fact that Bill C-58 does not truly empower her to order the disclosure of information while, at the same time, it adds burdensome stages to the investigation process.

• (1245)

The Information Commissioner effectively said that should the government fail to accept her top 28 recommended amendments, the status quo, what we have now as access to information legislation, as imperfect as it may be, would be preferable to Bill C-58. Her most telling example of the glaring flaws of Bill C-58 was to explain to our committee that if passed as originally tabled, it would have blocked the journalistic requests that exposed the notorious sponsorship scandal.

Now, this example gave the Liberal government pause and moved the Liberals to retreat somewhat. Therefore, one of the few improvements or amendments accepted by the government for the current form of the bill before us was the removal of what the commissioner termed "massive regression" in terms of excessively specific criteria in any access to information request.

This removal is to be welcomed, but it seems some government departments and individual officials are nonetheless already implementing its stringent provisions. The commissioner revealed in her testimony before committee that she had a newly documented case where one institution was applying criteria in Bill C-58, which is not law, and thanks to the government retreat in this area will not be in the law. However, at least one institution is already using those now deleted criteria to deny legitimate requests for information. Therefore, I think that any reasonable person has to wonder how officials in departments and agencies across government will respect and follow the letter of the law in this very slightly amended but still deeply flawed piece of legislation.

The government has not only ignored and rejected the wise advice of the Information Commissioner, journalists, stakeholders, human rights advocates, and ordinary citizens who would like to see meaningful improvements to access to information, but the current Liberal government has also ignored almost all of the recommendations made by the Liberal-dominated committee of the House that carried out an exhaustive study of the law a year ago before Bill C-58 was written and tabled.

Members probably already noted that I have not addressed the false advertising of the Liberals' 2015 election promises on reform to the Access to Information Act and the Privacy Act. Members may recall the then leader of the third party of the House making promises across a spectrum of tax cuts, modest deficits, electoral reform, restoration of home mail delivery, the United Nations

peacekeeping, revenue-neutral carbon prices, just to name a few. The Liberal leader also said "...we're going to have to embark on a completely different style of government". He then added an interesting metaphor when he promised, "A government that both accepts its responsibilities to be open and transparent, but also a population that doesn't mind lifting the veil to see how sausages are made".

I am not sure whether members can see the Prime Minister or the President of the Treasury Board as sausage makers, but if they do, then they must truly see Bill C-58 as "the worst". This is not a great pun, but I think it appropriate in this situation.

The President of the Treasury Board, a loquacious and good-humoured individual, asked us when he appeared before committee to recognize the government's daring in attempting the first meaningful updating of the Access to Information Act in 34 years. He had spoken abroad at the summit of Open Government Partnership extolling the virtues of the Liberal government's commitment. However, in the face of overwhelming criticism of the deeply flawed Bill C-58, the minister has rejected virtually all of the recommended improvements and amendments from our committee, from the commissioner, and from Canadians. He effectively said not to worry, be happy, and that this aromatic sausage may not be perfect, but he will look at it again in a year and perhaps consider improvements. He said, "Don't let perfection be the enemy of the good". However, as I said earlier today, there is very little good in Bill C-58.

We recognize on this side of the House that Bill C-58 is a classically regressive piece of legislation that is about to be steamrollered into law by the Liberal majority. Shame on Liberal backbenchers. As I have said, they are using the legislative guillotine of time allocation, cutting short debate on an issue that is at the heart of our democracy, which is the right of Canadians to know how they are governed.

• (1250)

**Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.):** Mr. Speaker, I was intrigued by the comments of my friend from Thornhill. He is always a great presenter, although I thought he was reaching for the old joke about the law being like sausage; if we saw how it was made, we would never eat it.

In this case, we are trying as hard as we can to allow the public to see how the law is made. There are, of course, varying opinions, as expressed by the member for Thornhill, and complaints about the specifics of the law. I would ask my friend across the way what the public perception would be of the Prime Minister when he stood up in a school gymnasium in Kamloops filled with several hundred people to respond to their questions in a town hall. Some of those questions were very critical of the government. Comparing that to the previous government, would my friend say that, all in all, the public sees our government as attempting to be open and reaching out to people by the actions of our Prime Minister?

*Government Orders*

**Hon. Peter Kent:** Mr. Speaker, I thank my colleague and friend for his explanation of the origins of that remark, when the Prime Minister promised to lift the veil on how Liberal sausages are made. Indeed, to go back to his explanation, we have seen that the sausages the Liberals make have some very unhealthy and unappealing contents.

The Prime Minister presents well. My colleague is correct about that, but this is yet another piece of legislation that falls far short of what Canadians are looking for. The government asks why the opposition is opposing this bill. We listen to Canadians, journalists, lawyers, human rights advocates, ordinary citizens, and indigenous people to try to ensure that the access to information system will at least be as rigorous as it is today, however imperfect the current laws are. We also listened to the Information Commissioner herself, who says this is a highly regressive piece of legislation.

[*Translation*]

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Mr. Speaker, I would like my colleague to talk about the recommendations made by the Standing Committee on Access to Information, Privacy and Ethics, which were essentially all rejected by the Liberal government.

Could my colleague tell me why he thinks that the Liberal government once again rejected all the suggestions the opposition made to improve Bill C-58, which is supposedly a living document?

[*English*]

**Hon. Peter Kent:** Mr. Speaker, I must again say that this living document, which is on life support, certainly in the court of public opinion, will be imposed on Canadians by the Liberal majority.

I want to speak positively about the Standing Committee on Access to Information, Privacy and Ethics, because it is a productive committee. Members work well together. A year ago, before this bad law was written, the committee, with a Liberal majority and chaired by a Conservative, voted unanimously to advise the government on what should be in Bill C-58. Those suggestions were completely ignored. When the bill, under attack from all quarters, went to committee recently and all of the recommended amendments by the NDP were rejected, we Conservatives saw the government's mood and did not submit any proposed amendments because we believed, and still believe, that Bill C-58 is beyond redemption, though at least one member of the Liberal committee voted for changes. The Liberal numbers on that committee meant that the direction of the PMO prevailed and all but a very few of those amendments were accepted by the government.

•(1255)

[*Translation*]

**Mr. Alain Rayes (Richmond—Arthabaska, CPC):** Mr. Speaker, before explaining why I am so pleased to speak in the House to Bill C-58 on reforming the Access to Information Act, I will read a quote to put things into context:

When I was getting ready to appear [before the committee], I came back to the request made by journalist Daniel Leblanc [from *TheGlobe and Mail*], the request that uncovered the sponsorship scandal. That request would not have met the requirements [of the bill, which] would be a major setback [for information rights].

That person is referring to the bill we are talking about today, the one that the Liberals want to pass. Who said that? It was not an

opposition MP, it was Suzanne Legault, the Information Commissioner of Canada.

That is why the bill to amend the Access to Information Act, 1993 is so highly anticipated. As hon. members know, that legislation affects anyone wanting to obtain information from federal government institutions.

Ever since the Access to Information Act reform was unveiled there has been no end to the criticism and disappointment. First, this reform does not keep the Liberals' promise to extend the legislation to ministers' offices, or to the Prime Minister's office. That is the first broken promise.

Second, the government will now be able to decline any access to information request if it believes the request is vexatious, is made in bad faith, or is otherwise an abuse of the right to make a request for access to information. In other words, the government is leaving itself enough leeway to turn down any request that could be harmful or embarrassing to it. God knows there are plenty of files that meet that description.

Third, we know there is currently a major backlog of access to information requests. Sadly, this bill does nothing to tackle the backlog, which has already reached unacceptable levels and serves to further impede access to information.

Fourth, the government promised that the bill would apply appropriately to administrative institutions that support Parliament and the courts, but as it turns out, that will not be so.

Fifth, the government promised that the bill would create an oversight model that would give the Information Commissioner the power to order the release of government information. However, needless to say, this bill contains no such reforms.

According to the Information Commissioner, whom I quoted at the beginning, if this bill had been in force in 1999, it would have prevented journalists from accessing the information that made it possible for them to uncover the Liberal sponsorship scandal, better known in some circles as the Gomery commission.

Ms. Legault has voiced several criticisms regarding Bill C-58. Basically, no one is satisfied. Everyone is disappointed in this version of the bill.

Katie Gibbs, executive director of the Evidence for Democracy group, has said that by ruling out the possibility of obtaining information from ministers' offices and the Prime Minister's Office, the Liberal government is breaking its promise. She also argued that the government is breaking its campaign promise to establish a government that is open by default. She believes the possibility to arbitrarily refuse access to information requests on an undefined basis jeopardizes government transparency and openness.

The Liberals are going to great lengths to protect the Prime Minister.

*Government Orders*

Duff Conacher, co-founder of Democracy Watch, believes that the bill represents a step backwards by allowing government officials to deny access to information requests if they think the request is frivolous or made in bad faith. Mr. Conacher has also indicated that public servants should not have this authority because they will likely use it as a new loophole to deny the public the information it has a right to know. We saw this with the minister of the Canada Revenue Agency, especially in recent weeks.

• (1300)

Stéphane Giroux, president of the Fédération professionnelle des journalistes du Québec—these are not the mean, old Conservatives the Liberals make us out to be; Robert Marleau, former information commissioner from 2007 to 2009; the British Columbia Freedom of Information and Privacy Association; some first nations groups who noted that some provisions in the bill would make it harder for them to get access to justice and information, all these people oppose the bill. That is a lot of people; they are starting to add up.

This all means that not only the members of the opposition, but also civil liberties groups, journalists, and the Information Commissioner, who is neutral, all oppose the bill and prefer the status quo. That says something when we prefer the status quo, with its many flaws, rather than this Liberal reform presented today. We understand that there is work to do to improve the situation. All these people share a common belief that Bill C-58 does not implement any of the requested reforms to the Access to Information Act, and furthermore, that it introduces new obstacles to the process that Canadians will have to follow to make legitimate requests for government documents. After this, we still wonder why the population is so cynical about politicians.

The reform therefore does nothing to address the enormous shortcomings of the act, as the Liberals promised during the election campaign. In fact, it is a step backward. Governments in power, regardless of the party, constantly introduce bills to improve the situation. As I was saying earlier, it is unbelievable that so many people see only regression in a bill that should improve the situation.

This is also double talk: the Liberals say that they are open and transparent, but they missed a great opportunity to prove it. They must be totally disconnected to believe that Canadians will not see through them, particularly when we consider the scandals that have emerged every day for two years now.

As the reform currently stands, the government will be able to choose which information it will make public and protect the information it wants to hide from Canadians. It will be free to decline requests for access to information for obscure and arbitrary reasons.

My colleagues can rest assured that no information that could be even minimally embarrassing will be disclosed. We know how the Liberals work. By choosing to disclose only what makes them look good—and we know how much our Prime Minister likes to look good, no need to mention the selfies—I think that everyone knows exactly what the Prime Minister is doing: the Liberals are now turning the Access to Information Act into a new communications strategy. What we are talking about is serious.

This act is one of the very few tools that citizens, journalists, and members of all official opposition parties, who have the responsi-

bility to monitor this government to prevent the types of breach of trust we are seeing today, have to exercise their right to information and do their jobs properly. Make no mistake, the Liberal government is centralizing power around the Prime Minister and his cronies, who control even the various ministers' offices, despite what it is letting on with its nice words and pretty pictures, while publicly condemning such acts.

Lastly, when we look at the bill as a whole, what we take away is “do what I say, not what I do”. It is a sad state of affairs.

• (1305)

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I thank my colleague for his speech.

I think the French title of the Information Commissioner's report had something to do with a missed target.

[English]

I have never before seen a watchdog of Parliament, an officer of Parliament, hold up government legislation, compare it to the government's promises and mandate letters, and so thoroughly eviscerate that legislation, as in the case of Bill C-58.

We heard in testimony from the commissioner that her department and her office already were receiving complaints about government agencies employing the tactics imagined in Bill C-58, which has not even passed Parliament yet. Government agencies are denying access to information requests from Canadians based on these terrible articles in the bill, which would allow a government agency to deem a request from a Canadian as being vexatious or too problematic for the agency.

When it come to information, some things Canadians want from the government may seem vexatious to the government but are important to Canadians, like missing and murdered aboriginal women, like the number of sexual assaults that go unreported to the RCMP in Canada, like the sponsorship scandal, and like the Afghan detainee situation. All of those came to light only because Canadians, journalists, and NGOs were able to gain access that information from governments that did not want to give them.

My question for my friend is this. If Bill C-58 already is being applied, denying Canadians access to the information to which they are legally entitled, what kind of future can we imagine for first nations groups, environment groups, and journalists, those people who simply are trying to get information from the government to which they are legally entitled?

*Government Orders*

[*Translation*]

**Mr. Alain Rayes:** Mr. Speaker, I thank my colleague for asking a relevant question that ties into the statements made by everyone I quoted in my speech. Opposition members are not the only ones crying foul. When people listen to the rhetoric in this place, they may get the sense that we are here just to oppose the government no matter what it says. In this case, as my colleague astutely pointed out, officers of Parliament are the ones saying these things, not us. They are the ones who are responsible for keeping us in line because we are all human and we can all make mistakes. They are saying the same thing as journalists and opposition party members, who want to do a good job of representing their citizens.

Members on this side of the House were elected by the people, too. The people decided to give the Liberals a chance to govern, but they also elected us to keep a close eye on the Liberals. As such, I believe we have the same rights as them. If I submit an access to information request, I, like any journalist, opposition member, or citizen frustrated by what has been going on these past two years, should have the privilege of getting the information requested. Bill C-58 does just the opposite. This government is protecting itself by implementing a new communications management system.

[*English*]

**Ms. Joyce Murray (Parliamentary Secretary to the President of the Treasury Board, Lib.):** Mr. Speaker, it has been mesmerizing to hear my colleague opposite, and even the member for Skeena—Bulkley Valley, speak as though the committee did not work on this bill, as if the committee did not pass more than 12 amendments.

• (1310)

[*Translation*]

For example, one amendment prevents the department from declining to act on a request just because the request failed to state the specific subject matter, type of record, or period. One of the proposed amendments would give the commissioner power of approval before a department declines to act on a request.

Why then is the opposition member implying that the amendments supported by his own colleagues were not accepted?

**Mr. Alain Rayes:** Mr. Speaker, I heard the question from my colleague opposite. She is a government member who is going to vote in favour of this bill, which will deprive journalists, citizens, and parliamentarians of their right to access information.

I would like her to tell me if she agrees with Information Commissioner Suzanne Legault, who called this bill regressive. Does she agree with Katie Gibbs, executive director of Evidence for Democracy, who also thinks it is a step back? Does she agree with Duff Conacher, co-founder of Democracy Watch, who feels the same way? The same goes for indigenous groups and the British Columbia Freedom of Information and Privacy Association. Are all of these people and groups off base?

In spite of these independent groups saying no to this bill, is my Liberal colleague opposite going to try to ram it down our throats and Canadians' throats while the Prime Minister goes around taking selfies to lull the public?

We are saying no. We will be voting against this bill because it constitutes a regression on access to information.

[*English*]

**Ms. Joyce Murray (Parliamentary Secretary to the President of the Treasury Board, Lib.):** Mr. Speaker, I am thankful for this opportunity to speak to Bill C-58, and to perhaps set the record straight with respect to some of the remarks of my colleagues opposite. They love to quote criticisms of the bill that took place before the committee study, before amendments were made to address those very issues, and before the bill was even further strengthened to build on the historic improvement to access to information.

Our government is firmly committed to being open and transparent. That is the kind of government Canadians expect and deserve. These reforms were made with that in mind.

[*Translation*]

We remain committed to upholding this principle, which was first applied in the 1983 Access to Information Act.

[*English*]

Now, 34 years later, our proposed reforms advance the original intent of the act in a way that reflects today's technologies, policies, and legislation, and keeps this an evergreen process as well.

I am proud our government is the government to finally update this act. This is in contrast to the government of the members opposite, the Conservatives, who promised to reform this act in their election platform, spent 10 years in government, and failed to do a thing.

I experienced the former government's control tactics around access to information first-hand as an opposition member of Parliament. I filed an access to information request to find out more about the process for building Canada's pavilion for the 2010 Vancouver Olympic and Paralympic Games. The pavilion was to be built in Vancouver, and there were questions about it in the media. Lo and behold, when I received the response from the government, every line in the document had been blacked out. There was not a scrap of information. I would contend that Canada's Olympic pavilion was hardly a national security issue that had to be protected.

That is what the Conservative government of the day was doing instead of fixing the Access to Information Act. Perhaps it was also too busy becoming the first government in not just the history of Canada but the history of the Commonwealth to be found in contempt of Parliament for refusing to provide information to Parliament.

Let us not forget the extent to which the New Democrats were hesitant to join the trend when the Liberal MPs became the first party to begin a practice of proactive disclosure of expenses. They needed to be dragged along with that. However, I digress.

*Government Orders*

Our government is acting. We are following through on our election promise to reform the Access to Information Act.

•(1315)

[*Translation*]

Our efforts started over a year ago. In May 2016, we issued a directive that enshrined the idea of a government that is “open by default”.

[*English*]

Open by default means having a culture across government in which data and information are increasingly released as a matter of course, unless there are specific reasons not to do so.

[*Translation*]

Now, with the amendments proposed in Bill C-58, we are taking the next step.

[*English*]

Bill C-58 would advance the Access to Information Act in some key areas. It would give the Information Commissioner the power to order government to release records. She has been asking exactly for that. That is a significant increase in the power of the commissioner. No longer is the office of the commissioner simply an ombudsperson. It would now have the power to compel government to release records.

The bill would put the Prime Minister's Office and ministers' offices inside the act for the very first time, as promised, through legislative requirements for proactive disclosure. It would also legislate proactive disclosure for administrative bodies that supported the courts, Parliament, and other government institutions. This dramatically broadens the reach of the Access to Information Act.

The bill also mandates five-year reviews of the act. Therefore, it is an evergreen process of improvement. What is more is that it would require that departments regularly review the information being requested under the act.

[*Translation*]

This will help us understand and increase the kinds of information that could be and should be proactively published.

[*English*]

We are also developing a guide to provide requesters with clear explanations for exemptions and exclusions. We are investing in tools to make processing information requests more timely and efficient. We are allowing federal institutions with the same minister to share request processing services for greater efficiency. We are also increasing government training to get common and consistent interpretation and application of ATI rules.

[*Translation*]

We are moving to help government institutions weed out bad faith requests that put significant strain on the system.

[*English*]

By tying up government resources, such vexatious requests can interfere with an institution's ability to do its other work and respond

to other requests. However, let me be clear. We have heard the concerns expressed about how we must safeguard against abuse of this proposed measure. In particular, we have heard the concerns raised by indigenous groups regarding land claims.

As the President of the Treasury Board said during second reading debate, “A large or broad request, or one that causes government discomfort, does not, of itself, represent bad faith on the part of the requester.” Broad requests, particularly historical records to substantiate indigenous claims, are legitimate and consistent with the spirit of the act.

However, it was not enough for our government to clearly state our intentions in the House of Commons. Therefore, the Standing Committee on Access to Information, Privacy and Ethics further strengthened Bill C-58 by amending the bill to make it explicit that no department could refuse a request simply because the subject, type of record or date of record was not specified.

The bill was also amended to give the Information Commissioner veto power in advance over whether a department could reject a request. The committee also passed an amendment that would give the Information Commissioner the power to publish the results of their investigations and orders, giving further leverage to the commissioner's new powers, as was intended by the President of the Treasury Board and requested by the commissioner. Our government firmly supports these amendments.

In addition to the government's duty to assist, which is a fundamental obligation built into the Access to Information Act, our government is fully committed to fulfilling Canada's fiduciary obligation to assist first nations in furthering their land claims.

After 34 years, Canada's ATI system needs updating, and this will be a work in progress.

I am disappointed that the members opposite in both the Conservative Party and the NDP have been playing politics with this very important bill. They have been raising issues that were already addressed at committee, where amendments were passed to put to rest the concerns that were raised.

The Conservatives, who never did anything for 10 years even though they solemnly promised in their platform to update access to information, are acting as though this is a step backward. In fact, it is a step in forward in many respects. It would broaden the scope of the act, respect the commissioner's request to have additional powers to determine if a department could refuse to fulfill an access to information request. It also includes order-making power to ensure the order is published and publicly available to review.

A great number of key steps have been taken to advance the openness and transparency to the Canadian public with respect to information to which they should and will have access.



*Government Orders*

Members opposite are pretending that no amendments have been made, that the commissioner's report is still valid when it was written before the amendments to respond to her concerns were debated and voted on by committee members, including the New Democratic Party members and Conservative members, and wholly supported by the Liberal President of the Treasury Board and Liberal members. The fact that those are being ignored, that those parties are aiming to confuse and confound the public debate, and mislead members of the public listening to their speeches and questions and answers is very discouraging and disappointing. This is one of those kinds of policy measures that everyone agreed needed to be improved. That is exactly what we are doing, for the first time in 34 years.

● (1320)

To try to confuse the public into thinking that this is a step back, when it is a major leap forward, is doing a disservice to the public. It is providing inaccurate information to the public. It is raising unnecessary fears around individual access to information and around indigenous people's access to information in pursuit of potential land claims. These things have been addressed. We have a great deal of respect for the importance of reconciliation with indigenous peoples right across this country, and one part of that is to support and aid individuals and groups that are seeking access to information to pursue the reconciliation, partnership, and co-operation our government is so committed to.

Therefore, I would request that the members opposite stick to the facts, reflect what happened in committee in terms of the amendments that were made, and reflect the ways in which the commissioner's requests and others were actually built into those amendments by committee. Let us have a debate on the merits of this policy using the actual up-to-date, factual information. That would be a public service on the part of members opposite.

As I said at the start of my speech, I am very proud that it is our Liberal government that is finally following through and giving the Access to Information Act some much-needed reform. There would be a review just one year after the coming into force of this bill so that we would be able to have continuous quality improvement of this very important piece of legislation. This very important aspect of our public policy, whereby reviews are done and improvements are made in a timely way, is built into our new act. We are looking forward to continuing our work to help make government more open, transparent, and accountable.

**Mr. Earl Dreeshen (Red Deer—Mountain View, CPC):** Mr. Speaker, one of the things I heard the member say was that the Conservatives had been forced into making major changes, because they were found in contempt. I have a couple of points. Anyone who was here understood the procedure that had taken place. It was presented to all the committees. We were in a minority government, and basically, the opposition members simply said that they thought the Conservatives were in contempt, so they were going to send it back to the House to have a discussion. Of course, it had to wait two years until they were ready to defeat the minority government. If members recall, the Canadian public was the final arbiter on the shenanigans taking place at that time.

More to the point, the member and many people seem to have forgotten the types of things the Conservatives did, including better public access to information, next-generation open data, the

modernization of the Access to Information Act, the open-government licence, and all the other things that were done. Yes, they are building upon all the CPC initiatives. Unfortunately, they are going back and doing the draconian thing by talking about what might happen in ministers' offices and so on, but we are not 100% sure if that is ever going to come out to the public.

I wonder if the member has any comments about those particular items.

● (1325)

**Ms. Joyce Murray:** Mr. Speaker, I am not clear on what the member considers to be draconian about a law, Bill C-58, that would broaden access to information across the Prime Minister's Office, ministers' offices, and many other offices. What is draconian about giving order-making power to the commissioner, enabling the commissioner to determine whether a request can actually be blocked by a department?

I will just add that the previous government had ministers countermanning the provision of information by a department and actually taking the political power themselves to block access to information requests. It was shocking at the time. The sanctimonious comments I hear on the other side of the House are quite surprising, given that record.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP):** Mr. Speaker, it is highly offensive for the Liberals to keep saying that we are being partisan on this issue, that we are not taking a position or that we are against them, and that we do not want to debate. In committee, we proposed 20 amendments related to the Information Commissioner's recommendations and the Liberals rejected them all. It is outrageous that the Liberals are accusing us of being partisan when we are trying to improve a bill on access to information. The Liberals are the ones who are not open to any suggestions.

The member said that the Liberals consulted the Information Commissioner, but the commissioner herself said in the title of her report that the government has failed to strike the right balance for transparency. The report states, and I quote:

...Bill C-58 fails to deliver. The government promised the bill would ensure the act applies to the Prime Minister's and ministers' offices appropriately. It does not....The government promised the bill would empower the Information Commissioner to order the release of government information. It does not.... Bill C-58 would instead result in a regression of existing rights.

Could my colleague comment on that?

*Government Orders*

**Ms. Joyce Murray:** Mr. Speaker, we are the first government in 30 years to modernize the Access to Information Act. We know that the NDP does not like proactive disclosure, but we do, which is why we included it in this bill. I would remind my colleague that the committee adopted a dozen or so amendments to strengthen and clarify our government's intention to improve and reform our access to information system, amendments that were surely supported by the NDP members. We are proud of this improvement to our bill and the joint efforts of the committee members. This helped us improve the bill.

• (1330)

[English]

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I am sure the parliamentary secretary heard the question that was just offered to her.

The Liberals wrote a bad bill. They did not consult with first nations, they did not consult with non-profit groups, and they did not consult with media groups, all of which use access to information. They did not consult with the Information Commissioner, who had to release a report that said things such as that the government promised to have ministers' offices covered by the Access to Information Act. This piece of legislation does not do that.

One by one, the Information Commissioner had to hold up the Liberal promise then hold up the reality of the bill. The Information Commissioner, who I trust a lot more than I do the President of the Treasury Board or the Liberal government, said that this would make things worse.

We then had to amend the bill dramatically, even though the Liberals did not consult with anyone. They respect first nations, and they believe in consultation, except they do not do it. They amended the bill and did technical amendments, rejecting every single amendment that came from the NDP, whose recommendations were based on the testimony of indigenous groups, the Information Commissioner, environmental organizations, and those who use the act. The Liberals said that they amended it and it was perfect now.

I will take one issue my friend completely misspoke about earlier. She said that there would now be order-making power in the bill. We asked the Information Commissioner about the order-making power to demand documents from government. She said that this might actually make things worse, because the so-called order-making power they would institute would make the whole process of dragging information from the government even longer than it is right now. It would not be true order-making power, as was promised by the Liberals in the campaign. The Prime Minister's Office would not fall under the Access to Information Act, as was promised by the Liberals in the campaign.

They can drink as much Kool-Aid as they want over there, but turning this bad piece of legislation into a good one does not come by simply saying that they have technically amended the bill and now it is much better. It is not. They know it is not. I am shocked that my friend seems to just repeat the party line and thinks that it somehow makes reality other than what it is.

**Ms. Joyce Murray:** Mr. Speaker, let us talk about reality. The reality is that the commissioner asked for order-making power and would be provided order-making power. In the amendments, that

order-making power was strengthened in ways the commissioner had indicated would make it even more effective.

Let us talk about reality with respect to the Prime Minister's office and the minister's offices. For the first time ever, the act would apply to the ministers' offices and the PMO. This would lead to better public understanding of government decision-making, fostering more participation and public trust in government. That is advancement.

For the first time ever, the act would apply to 240 federal entities, from the courts to the ports. That is advancement.

This is not just a one-off exercise. It is an evergreen, ongoing rejuvenation. The member opposite, from Skeena—Bulkley Valley, continues to quote comments made before a committee process that vastly improved the bill, with the cooperation of all parties. I would ask him to update his narrative and reflect Bill C-58 as it is today in this House.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I will be sharing my time with my colleague from Victoria.

“All-party co-operation” is what the Liberals call it. This is what happens to this bad piece of legislation, which the Information Commissioner said, unless it was fundamentally amended would be a regression in terms of access to information. That is what she said, so we tried to fundamentally amend it. Based upon what? It was not about the notions we came into the meetings with. It was from the testimony that we heard at the committee from the Information Commissioner, who is the lead on access to information in this country. It was from first nations groups, who are seeking settlement with the government over land treaties, residential school inquiries, with the government, by the way, still in court with first nations. It might be shocking, but the Liberal government is taking first nation kids to court, taking the generations that followed to court, to deny them access to documents that happened in residential schools. My friend can walk away from the conversation, but the reality will follow her right out of Parliament and into her home constituency in Vancouver.

I imagine that most of my Liberal colleagues came in with good intentions, wanting to open up government, wanting to make information more available to Canadians, because it is their information. They paid for it. When the Department of National Defence does something, when Indigenous Affairs does something, and they file some documents on it, the documents do not belong to the Government of Canada, they belong to the people of Canada. That is who paid for it, and that is what is required under law. However, there are tricks around providing that information.

*Government Orders*

My friend from the Liberals just said that we should celebrate because access to information now applies to the Prime Minister's Office and the minister's office. That, on the surface, would seem like a really good idea, and that is what the Liberals promised, but what is the reality? Can people write an access to information request to the Prime Minister's Office after Bill C-58 becomes law? No, they cannot. What will happen is that the Prime Minister's Office will self-disclose the information, such as mandate letters. They are going to make mandate letters mandatorily disclosed to Canadians. Well, let the angels sing on high and pop the champagne corks. Big deal. They break half of the promises in their mandate letters anyway, so making them public means exactly what? It is a mandate letter. We wanted access to how the Prime Minister's Office operates. That is what the current Prime Minister promised when he was not Prime Minister.

Now that he is Prime Minister, he does not want that access to information to apply to him. He wants it to apply to somebody else at some other time. We went through this. The Assembly of First Nations is meeting today, and they have an emergency resolution on the floor from the chiefs across this country to reject this piece of legislation. The Liberals love the notion and the symbolism and the gestures toward first nation people. Hand on heart, they say that no relationship is more important to them. Then, we find out when it comes to important things that native people care about, like getting access to information, who attended residential schools, who went through that brutality, and can they get the names from government, that they cannot, they have to take it to court. Will Bill C-58 make things worse or better? According to first nation groups who testified, it will make it worse as first nations seek to settle land claims. Oftentimes documents are needed to settle a land claim. Who has those documents? The crown has them. Will Bill C-58 make things worse or better? It will make them worse.

The Liberals talk about working collaboratively. They stood in the House and said they are going to work collaboratively with the opposition. We took them on their word. We took the information given to us from these expert witnesses, from people in the media who use access to information all the time, from first nations, from environmental advocates, from Democracy Watch, and we put them into amendments. What did the Liberals do? En masse, they voted one after another to shoot them all down. They said they worked with us, they collaborated with us, they co-operated with us. I have no idea how they define those terms, but my idea of collaboration and co-operation is to listen to expert testimony and then to properly consider it.

The Liberals moved some cosmetic amendments at the end of the process. I asked Liberal colleagues who were moving the amendments if they could explain them, because clearly they must understand what they were doing. However, they had to huddle, they had to get together, time and time again. This is a travesty. If we look through our history as a country since the access to information laws have existed, some of the most important stories in our country have only come to light because someone was able to apply an access to information request. The Prime Minister says again and again that sunlight is the best disinfectant.

●(1335)

The enormous power that the federal government has must be held in check. That is the way that democracy works, if it works at all. The way to hold government in check is to have information to counter, particularly when government is lying, misleading Canadians, misappropriating funds, or conducting itself in a way other than what it promised.

If we go back through our history, how did we learn about type 1 diabetics in Canada being rejected? That was an ATIP request. The government did not say it had changed policy, that people with type 1 diabetes will now not get their disability tax credits. No, it was an access to information request that found that Revenue Canada was going to describe that policy in a new way and go from accepting 90% of applicants to rejecting 90% of applicants who have type 1 diabetes. That was an access to information request.

Robyn Doolittle from *The Globe and Mail* gave an incredibly comprehensive analysis of sexual assaults in Canada, on what the situation is with under-reporting and reporting. How did she find that out? It was through access to information. With regard to the Afghan detainees, Canadians in Afghanistan, possibly contrary to international law, were transferring prisoners to the Afghan government. That was discovered through access to information. How did we find out about the sponsorship scandal, where millions and millions of dollars, which was purported to sponsor ads and promote Canada, was ending up in the pockets of Liberal political operatives in Quebec. How did we find that out? Did the government self-disclose and say, "By the way, we have been stealing millions of dollars"?

**An hon. member:** Yes.

**Mr. Nathan Cullen:** Yes, say the Liberals. Oh, my, what delusional sense of history do the Liberals have? That only came to light because Mr. Leblanc from *The Globe and Mail* dug and dug into government information. He used a part of the Access to Information Act and asked for the documents between this date to that date from a certain department. Under Bill C-58, that would not be allowed anymore. Who told us that? The Information Commissioner told us that. She said that if the same request had come in after this bill becomes law, we would have never learned about the whole sponsorship scandal. We would have never learned that Liberals in that part of the country were padding their pockets with public money. People went to jail over this, a government fell over this, as it should have, because it was stealing. It was stealing money under the guise of some sponsorship program, and it was only because of access to information that we found this out.

The residential school survivors have been fighting with government for decades for the simple acknowledgement that they or their parents attended a certain residential school at which they were abused horrifically, and for which the Government of Canada was dragged, finally, to apologize for. That only came to light because of access to information. Government does not disclose these things. The Liberals say that they are going to self-disclose and that should be good. We heard from the Information Commissioner's office that complaints have been rising since its new disclosure policy.

*Government Orders*

We have also heard from the Information Commissioner's office that with these terms, if a request is deemed vexatious by the government, it can deny the request. What does that mean? It is vexatious to whom, to some department that has been badly handling public funds? Yes, I bet that information would look vexatious. The government is going to tell Canadians it is sorry, they cannot have the information they requested because it thinks it is vexatious. It is going to hurt its feelings, and someone might get fired for doing bad. We want to be able to shine light on these things, not go in the opposite direction.

The Information Commissioner asked for order-making powers, and the Liberals promised this. The Information Commissioner would have the ability to demand documents from government and not have government delay and deny. With the amendments in this bill, the commissioner was asked how this would affect order-making power. She said it would not be a true order-making power, and may in fact delay the process for Canadians even longer because they will end up in the courts more often.

Lastly, we asked the Information Commissioner, the watchdog, an officer of Parliament who works on behalf of all of us, if the government consulted with her and if it offered more in the way of a budget, because enforcing this is going to cost a lot more money due to going to court a lot more often. The answer was no.

Again, the Liberals are talking about how they like to consult, how they like to include, how they like to be collaborative. With every proposal we made to change this bill, to try to save this bill from itself, to help Liberals keep a Liberal promise, one of the hardest things to do in politics, they rejected every single one. They allowed the technical amendments from their side and changed a comma here and moved a period there. Congratulations.

• (1340)

However, the fundamental DNA of this bill is designed to make access to information more difficult for Canadians. That is not me talking, that is the Information Commissioner, aboriginal groups, and advocates across the political spectrum who say that things will get worse under this law.

This is the sense of entitlement. This is a hypocritical approach to politics that discourages Canadians so fundamentally. If Liberals are sincere about working with the opposition, they would amend the bill based on the evidence we heard, rather than their own world view, which will make it so much more difficult for Canadians to hold truth to power.

• (1345)

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, quite frankly, the member is wrong. Things will not get worse. In fact, in a year from now, I suspect that the member across the way will regret many of the things he has said.

Let me give a specific example. The NDP has always fought proactive disclosure. That member in particular was one of the members who led the fight against proactive disclosure for members of Parliament. Now, today, in this legislation, we have proactive disclosure, including the release of ministerial mandate letters. The member across the way mocks that. What does a ministerial mandate

letter do? It tells Canadians about the priorities of different departments.

What we hear from the New Democrats is, "Well, who cares about that?" Let me suggest to the member opposite that Canadians care. They genuinely care about what the Prime Minister establishes for priorities within the many different departments. Only the New Democrats would fight against proactive disclosure. Only the New Democrats would fight against having ministerial mandate letters made public.

My question for the members is, does he believe that Stephen Harper should have had his ministerial mandate letters made public, or does he believe in the old system where there was less transparency and less accountability?

**Mr. Nathan Cullen:** Mr. Speaker, I was asked by a colleague if that was a speech or a yelling contest. I think my friend is participating in a yelling contest. At that, he could win; we have no doubt. I am going to grant him that. He can yell louder and longer than most people I have ever met.

With regard to ministerial mandate letters and bringing in electoral reform, where did that go? "We will return home delivery by the post office to Canadians." That was in a mandate letter. It helped that it was public, and then they broke it, I suppose.

This is serious. My friend looks to make light of it, but this is serious. My friend says, "So what if we're making access to information harder according to the Information Commissioner? So what if first nations are going to have to struggle even harder than they have to gain access?" That is why, today, the Assembly of First Nations, a group to whom the Liberals swear such promise and fealty, are looking at an emergency resolution to reject this bill. It does not matter much to the member, as he smiles so nicely.

The Liberals have a problem. They do not actually want to have access to information. They do not want to tell us what the finance minister owns in his numbered companies. They do not want to tell us when and where they sell shares. The Liberals do not actually want it, but they want to pretend at it. They have all the words, but I fear that Canadians—

**An hon. member:** It is a conspiracy.

**Mr. Nathan Cullen:** No conspiracy. This is in legislation. This is in the bill that the Liberals just introduced. The Prime Minister and Liberals say they would like to give less access to information to Canadians, and Canadians will learn the experience of trying to access information that belongs to them in the first place.

I think the parliamentary secretary might regret some of the words he has uttered today.

**Mr. John Brassard (Barrie—Innisfil, CPC):** Mr. Speaker, I am profoundly disappointed that my colleague ran out of time. I would like to ask him, is there anything else he would like to say?

**Mr. Nathan Cullen:** Mr. Speaker, that is one of the best questions I have ever had. I do not even know where to start.

*Government Orders*

Let me add this, because I do not think we got to it. With regard to the notion of vexatious and bad faith, who determines it? The department holding the information gets to determine if a request coming from a Canadian is in bad faith. The department can deem that a request asking for information from its department is in bad faith or vexatious. It is not defined in the law. No, it is interpreted by the government that is holding the information.

On normal day-to-day information, this is not going to be a serious issue. However, when it is sensitive information, embarrassing information, information that the government does not want out, all it has to do is take out a big stamp in the department and slam down “vexatious” or “bad faith”, and then it is rejected.

The only power that the Information Commissioner has is to take the whole thing to court if Canadians complain. The government is already applying this bill, even though it has not passed Parliament. The Information Commissioner's office is already filing complaints on behalf of Canadians because they are not getting information already, and the bill has not passed. Let us imagine when this bill becomes law, which the Liberals, by the way and ironically, have shut down debate on.

There is no truer sense of irony from the Liberals that they are closing off, suffocating debate in Parliament—more than Stephen Harper did—on a bill that is talking about the need to provide access to information to Canadians. My goodness, the hubris on that side. When Canadians hear these stories and they go through the experience, time will tell for the government. It is breaking its solemn word to Canadians.

• (1350)

**Mr. Murray Rankin (Victoria, NDP):** Mr. Speaker, it is a pleasure to follow my impassioned colleague from Skeena—Bulkley Valley. I wish I had the same level of anger. I should, but today I really come to this debate with absolute sadness at the missed opportunity before us in Bill C-58.

When the Liberals introduced this legislation, they called it in their press release “the most comprehensive reform of Access to Information in a generation”. It sure was not.

I want to talk about what the Civil Liberties Association has said, what first nations have said, what trade unions have said, what journalists have said, all of which has been to pan this effort as an appalling waste of time.

I could not do better than to quote my colleague from Skeena—Bulkley Valley, who in turn quoted the Information Commissioner, who has the most expertise of anyone on the bill. She said has said it is “regressive”. She has said to Canadians that if the bill were not significantly amended, “I would much prefer to keep the status quo”, namely, the Stephen Harper version of access to information than the one before us. That must be so galling for Liberals to hear. Then we heard today in the House, “Oh, no, that was before the wonderful amendments we brought in, which have made it all better so we should not be concerned”, referring to all those people who had concerns.

They have not made it right. They have made cosmetic changes to minor parts of the bill that make no difference to the main event, which has always been the exceptions to the rule of disclosure, the

exceptions that carve away the right that was given in the main section of the bill, and those exceptions were not touched.

In committee I introduced on behalf of the NDP a dozen or more amendments to the exceptions, and not one was accepted. There were 20 amendments in total, but in regard to the exceptions, there were about a dozen amendments that many activists have talked about. This is not radical stuff. The Information Commissioner told us to suggest those amendments, not to make the bill regressive, but to make it better. How many of those were accepted? Zero.

The government has the gall to stand here before Canadians and take credit for something that is such an absolute farce. I find it appalling that we are in this position.

Yesterday, I had the opportunity, indeed the honour, to stand with five chiefs from across this great country who do research on residential school settlements, on grievances involving specific claims, on land claims generally, including cut-off land claims. Every single one of them said they were not consulted and that this law would make things worse. I thought no relationship was more important to the Prime Minister than with first nations. One could have heard a pin drop in that press conference as one after another stood up to castigate the Liberal government for yet another broken promise.

This is not just another bill. This is what the courts have termed “quasi-constitutional” legislation, in this case dealing with the essential right to know in a democracy. If we do not know what is going on and cannot find out, we live in a totalitarian state.

Back in the 1980s, the government at the time finally introduced an access to information bill, and a generation later it has ossified. It is legislation that no longer does the trick. The government did not even have computers in active use back then, so clearly things needed to change, and yet the changes the current government has proposed involve things like getting access to ministers' mandate letters.

Moreover, now the government can tell us what we want to know under something called “proactive disclosure”. Far be it for me to criticize making more information available, but proactive disclosure will involve the government letting us know by what it puts on a website, as if that were somehow the same as a person making a request to the Prime Minister's Office for information, as was done during the sponsorship scandal when *The Globe and Mail* and Daniel Leblanc told Canadians about the abuses of their tax dollars. That is because they had the right to make a request and, finally, ATIP delivered.

The government therefore wants to conflate access to information and proactive disclosure, a doctrine that has been around for many years in most provinces and in the federal government. It has been put in a statute and we are supposed to think it is the most comprehensive reform of access to information in a generation. It is just absurd.

*Statements by Members*

●(1355)

I care deeply about this. I did my graduate work on freedom of information. I drafted the B.C. legislation and the Yukon legislation. I know when Canadians are being hoodwinked, and they are being hoodwinked by the bill before us. I think it needs to be withdrawn, and we need to do it right for Canadians. The experts are unanimous that the bill is in dire need of reform because the bill basically only codifies existing practices.

British Columbia and most of the provinces have a very simple way of enabling an information commissioner to order the disclosure of information. After a few days, if the government does not choose to judicially review the order of the commissioner, it is the law, and the government shall disclose it. I invite members to look at the so-called order-making power in the bill to see if they can figure it out, because the Information Commission does not believe it to be anything like what the term "order-making powers" would suggest.

Interestingly, I believe that the only private member's bill the Prime Minister sponsored when he was in opposition was on reforming the access to information and privacy acts. On the Access to Information Act, one of the specific things he wanted to do was to make ministers' offices open, which is to say that one could make a request and the office should respond, and likewise the Prime Minister's Office.

I will say it again, the government is conflating proactive disclosure, namely what it wants to tell us, and the ability of any citizen to ask for information and have the Information Commissioner order it disclosed. That is how it works in my province of British Columbia, and it works very well. Most of the time, cases are settled. Ninety-some percent of cases over the decades have been resolved through mediation. This need not be expensive. It need not be convoluted.

However, the government has provided something like a camel invented by committee. A horse invented by committee is a camel, and the bill before us is a camel. What if people wanted to know, for example, about the Prime Minister's Christmas vacations or whether a minister's villa were held within a private company? Would they be able to ask for that information? Well, it would not be proactively disclosed, I do not believe, which, of course, is one of the crucial difficulties with the proposed legislation.

Canadians also need to know that the government has not abolished the \$5 fee, which is a tollgate on citizens' right to access. How much does it cost to cash a cheque for \$5? It is \$55. This is our government in action, which is why Canadians are basically paying millions of dollars to deny information to other Canadians. There is no duty to document, as requested by the commissioner. The exemptions have not changed, as I indicated, and every academic and every researcher comes down hard on this legislation. We know we are in trouble when the Canadian Association of Research Libraries comes down hard on a bill like this.

I want to end by saying, would it not be nice if quasi-constitutional legislation involving privacy and our rights to information were somehow taken more seriously, that we had an opportunity to really engage in debate at committee and, as a generational change, to get it right? Unfortunately, the government is

about to deprive us of that right. The Liberals have used time allocation to bring down the guillotine so that we will not have any more opportunity to discuss this quasi-constitutional legislation in this place. It is a travesty. It is appalling. Canadians deserve better.

**The Speaker:** There will be five minutes for questions and comments on the hon. member's speech following question period.

**STATEMENTS BY MEMBERS**[*Translation*]**ORGANIZATIONS IN SAINT-LAURENT**

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Mr. Speaker, I rise in the House today to congratulate and thank all the organizations in my riding, Saint-Laurent, that provide support and are making such a difference in the lives of thousands of families every year. These organizations complement one another, together providing a variety of services that are essential to families in need. Many thanks go out to the Centre ABC de Saint-Laurent, CARI St-Laurent, the Carrefour Jeunesse-Emploi, the Maison des familles, the Comité des organismes sociaux de Saint-Laurent, the Centre des femmes, and the many other organizations that work tirelessly in our beautiful riding, Saint-Laurent.

I will continue to work with those organizations to support their efforts and help the people of Saint-Laurent as best I can. They are giving the people of my region a real chance at a better future.

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●(1400)

[*English*]**IMMIGRATION, REFUGEES AND CITIZENSHIP**

**Mr. Dean Allison (Niagara West, CPC):** Mr. Speaker, I stand today to talk about courage, commitment, love, and a Canadian living abroad who exemplifies all three. Vaden Earle has been caring for Widlene Alexis Earle, now 12 years old, since 2007, when her mother died tragically. Having crossed from Haiti to the Dominican Republic illegally as a very young child, Widlene is now stateless and faces a constant threat of deportation. Vaden has been working to navigate the maze of paperwork and international bureaucracy necessary to adopt Widlene and bring her here safely to Canada.

Their story has captured the hearts of many Canadians, who have written letters in support of Widlene and Vaden to MPs and officials, signed petitions, and donated their support and efforts.

I call upon the Minister of Immigration, Refugees and Citizenship to do the right thing and bring Widlene home safely here to Canada.

*Statements by Members***CHURCH FUNDRAISER**

**Mr. Joe Peschisoldo (Steveston—Richmond East, Lib.):** Mr. Speaker, on November 10, parishioners from St. Monica's Roman Catholic Church hosted an evening of music and prayers to raise funds for a new, larger church building for the growing faith community at neighbouring St. Paul Roman Catholic Parish. The music provided by the youth choir, Psalm Ninety Eight music ministry, and Father Rob Galea, was both inspiring and edifying.

[Translation]

This event would not have been possible without the collaborative efforts of two communities united by a common goal. I want to thank everyone who helped organize this event and invited me to take part in the festivities.

[English]

I would also like to wish all my friends at the St. Paul and Saint Monica's parishes a very joyous and merry Christmas.

\* \* \*

[Translation]

**DOMESTIC VIOLENCE**

**Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP):** Mr. Speaker, as part of the 16 days of activism on violence against women and girls, I want to acknowledge the organizations and municipalities in our riding that are committed to ending domestic violence.

Women's shelters and women's centres have launched the municipalities united against domestic violence campaign.

The Clé sur la porte women's shelter and the Autonomie en soiÉ and Ressources-Femmes women's centres spread the word in our community.

I am proud to announce that the vast majority of municipalities in Saint-Hyacinthe and Acton are now allies. Nearly 1,000 people signed the petition against domestic violence, thanks to organizations such as the local AFEAS groups, COFEM, and Cercles de fermières.

It is hard to believe that domestic violence still exists. We must work together to put an end to all forms of violence. It is these types of commitments that make me proud to represent the riding of Saint-Hyacinthe—Bagot.

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[English]

**CARLTON MUNROE**

**Mr. Sean Fraser (Central Nova, Lib.):** Mr. Speaker, Pictou County lost its local music guru and Tragically Hip super fan Carlton Munroe after his battle with glioblastoma, the same illness that claimed the life of his music hero Gord Downie.

Carlton was a dedicated family man, a bright light on the east coast music scene, and a personal friend. From his time on our local radio station, he was unwavering in his commitment to our community and helping musicians in his work with the events department of the Town of New Glasgow and in his efforts to build

our biggest music festival at home, the Riverfront Jubilee. While his presence on stage this year at the jubilee will certainly be missed, we know he will be with us in spirit.

I thank Taryn for sharing her husband with us, and Noah, Nate, and Layla for sharing their father with us.

The Prime Minister said recently that Canada is less of a country without Gord. I can say that Pictou County is a bit less of a community without Carlton.

I would like to say this to Carlton, “We're going to miss you, buddy. Say hi to Gord.”

\* \* \*

**CORRECTIONAL SERVICE CANADA**

**Mr. Brad Trost (Saskatoon—University, CPC):** Mr. Speaker, over 40% of the correctional officers on duty at the regional psychiatric centre in my riding in Saskatoon are on workers' compensation because they have been attacked by inmates. According to a story by reporter Dan Zakreski, officers at this Correctional Service Canada facility have been assaulted continually by inmates, who are spitting, biting, and stabbing officers with pens. Urine and feces have also been thrown.

The escalation in violence is due to a policy change in August to a practice called “administrative segregation”. As a result, violent inmates with a serious mental illness can no longer be separated from the general population. In the CBC article, union rep James Bloomfield said, “The inmates that are assaulting us are right in front of us the next day. There's no repercussions for them.”

I call upon the Minister of Public Safety to reverse this policy so that all CSC employees can work in an environment that is safe for them and the inmates they care for.

\* \* \*

● (1405)

**CRIMEA**

**Mr. Matt DeCoursey (Fredericton, Lib.):** Mr. Speaker, the government has been unreserved in our condemnation of Russia's illegal annexation of Crimea. The report of the Office of the United Nations High Commissioner for Human Rights, on the situation of human rights in Crimea, detailed grave human rights violations, including arbitrary arrests and detentions, enforced disappearances, ill-treatment, and torture.

We are deeply concerned by the arbitrary detentions and recent unwarranted searches of the homes of Crimean Tatars. Last week the Crimean Tatars lost one of their leading voices in opposing the illegal annexation of Crimea, Vedzhié Kashka. We honour the memory of Vedzhié Kashka, whose life's work was defending the interests of the Crimean Tatar people.

We call on Russia to respect its obligations under international human rights and humanitarian law and to release all political prisoners. We will continue to call for the protection of the rights of all communities in the Crimean peninsula, including the Crimean Tatar community

*Statements by Members*

[Translation]

**GAÉTAN SERRÉ**

**Mr. Marc Serré (Nickel Belt, Lib.):** Mr. Speaker, I am proud to rise in recognition of my father, Gaétan Serré, a former member of Parliament. My father was honoured by Huntington University with its distinguished award of excellence for his lifetime of dedication to serving his community and country.

[English]

I want to thank Dr. Kevin McCormick, president of Huntington University for this distinguished award and for announcing the creation of the Gaétan Serré scholarship, which will be awarded annually to a student who embodies my father's passion for community and public service. Growing up I saw first-hand how devoted my father was to the people and causes he served. He always put service before self and has inspired me to follow in his footsteps and work hard for our community.

[Translation]

I want to thank my mother Jeannine, who was married to my father for 51 wonderful years, my wife Lynn Loiselle, my sister Lynne, and Robert Gervais, as well as the grandchildren, Michel, Catherine, Marissa, Mélodie, and Mireille, who were by my side to celebrate the life of a great man who was fair and loving, a deacon, a father, and an amazing grandfather.

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[English]

**SLOVAKIA**

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** Mr. Speaker, on January 1, 2018 the people of Slovakia will celebrate 25 years of being an independent nation. The velvet revolution, which was a non-violent transition of power, marked Slovakia becoming an independent nation.

Slovakia has grown as a democratic nation with an economy that is strong and growing, while retaining and celebrating its natural beauty and cultural richness. It is a responsible and reliable partner, making strong contributions to the global community.

I want to thank the thousands of Slovak Canadians who have worked hard to make Canada a better place. This year, with the help of the excellent diplomatic team from the Embassy of the Slovak Republic to Canada, the Slovak Canadian community held a celebration of tradition that attracted nearly 6,000 participants.

As the chair of the Canada-Slovakia friendship group, and someone with strong Slovak roots, I would like to wish all Slovaks and Slovak Canadians the best on this historic anniversary.

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**INDIGENOUS AFFAIRS**

**Ms. Pam Goldsmith-Jones (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Mr. Speaker, the Senate bill, Bill S-3 amends the Indian Act to eliminate sex-based inequities in registration. Private member's bill C-262 is an act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. Truth and reconciliation is

under way. Parliament is working in service of our aspirations for a revitalized Senate, the contributions of individual members of Parliament, and listening and acting with the indigenous voices of Canada.

In my riding we too are acting in this spirit. On the Sunshine Coast, John and Nancy Denham led 30 shishálh Nation and non-indigenous peoples in a dialogue circle. Our time together was respectful and intense. The West Vancouver Memorial Library hosted "Honouring Reconciliation: Hearing the Truth" to a full house, led by the Squamish Nation.

These are important experiences for Canadians and shishálh and Squamish nations, as truth and reconciliation enables us to reach our full potential.

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**HUMAN TRAFFICKING**

**Mrs. Celina Caesar-Chavannes (Whitby, Lib.):** Mr. Speaker, during the transatlantic slave trade tens of millions of African people were kidnapped, tortured, and murdered. The world committed to ensuring that we never again repeat these deplorable, abhorrent acts. That is why we were shocked and horrified to see the news from Libya of an active slave trade. The buying and selling of human beings in the harshest of conditions, and the brutality of evil intentions that have robbed innocent people of their hopes and dreams are a true manifestation of the breaking of the human spirit.

Canada condemns all forms of trafficking in persons everywhere, including the slave trade in Libya, as practices that have always been criminal. We support the efforts of the Libyan Government of National Accord and the United Nations call for an investigation.

Canada will continue its work to end human trafficking and bring those who prey on vulnerable people to justice.

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● (1410)

**CROSSROADS INTERNATIONAL**

**Mr. Ziad Aboultaif (Edmonton Manning, CPC):** Mr. Speaker, I rise today to recognize an organization that works to create a more equitable and sustainable world by eliminating world poverty and supporting equality. Now in its 60th year, Crossroads International sends Canadian volunteers to developing countries to strengthen women's rights and security while fostering economic development. This model of volunteer co-operation recognizes the partnership between Canadian volunteers and grassroots organizations in other areas of the world.

It is fitting that Crossroads International is here in Ottawa today as we mark International Volunteer Day, a day to celebrate the important role that we as Canadians contribute through in-kind donations both at home and abroad. Today, I encourage all Canadians to find from within the principles of volunteerism, selflessness, and kindness, and to give the gift of time.



*Oral Questions***HALIFAX**

**Mr. Andy Fillmore (Halifax, Lib.):** Mr. Speaker, 100 years ago, in 1917, two ships collided in Halifax harbour. One, the SS *Mont-Blanc*, was laden with high explosives destined for the western front in France. It caused the largest human-made explosion the world had ever known. Four hundred acres of my hometown were erased from the map while shards of molten iron fell from the sky miles away. Two thousand people were killed and another 9,000 people were injured. Most of us know this as the story of the Halifax explosion.

However, there is another part of the story that we do not tell often enough. It is the part where our community came together after the explosion to rebuild our city. It is the story of our regeneration. In one famous photograph taken mere weeks after the explosion, amidst the devastation can be seen a poster nailed to the boarded-over shop windows. It reads, “We Shall Never Rebuild Halifax Unless Everybody Works.”

We plucky Haligonians did rebuild Halifax. A century later, there is no other place I would rather call home, raise my daughter, or represent in Canada's Parliament.

\* \* \*

[Translation]

**PENSIONS**

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, Canadians depend on their pension to retire with dignity. Unfortunately, in Canada, when major corporations go bankrupt, they steal the money that workers have saved in order to pay rich CEOs, banks, and investors first, every time.

Today, we see that Sears employees are at risk of having their pensions stolen from them. Once again, Canada's inadequate bankruptcy laws are letting this company walk away from its pension obligations towards its employees. More than 3,000 employees in Canada, including about 100 in Sherbrooke, may find themselves penniless in their retirement.

Mr. Speaker, it would be unthinkable for your pension or the Prime Minister's pension to be taken away. Why, then, is the government doing nothing for our workers who are losing the pensions they worked so hard to save when it could simply change the law to protect them?

It is time for representatives elected by the people to make decisions for the people.

\* \* \*

[English]

**FIREFIGHTERS**

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Mr. Speaker, mischief and theft related to firefighting equipment are serious offences that can cause danger to the lives of firefighters and the Canadians they protect. I have introduced a private member's bill, Bill C-365, to establish clear deterrents for these offences to protect firefighters, who are on guard 365 days a year. I am truly grateful for the growing support this bill continues to receive from across Canada: support from the Canadian Association of Fire Chiefs, from the International Association of Firefighters Canada,

the Canadian Volunteer Fire Services Association, the Fire Prevention Officers Association of BC; and support from firefighters and Canadians across Canada.

We depend on our firefighters, so let us help them protect the equipment they depend on. Details on the bill and e-petition 1373 can be found on my website and on the House of Commons website. I invite all Canadians to support Canadian firefighters by signing e-petition 1373 to help move this bill forward through the process.

\* \* \*

• (1415)

[Translation]

**INTERNATIONAL VOLUNTEER DAY**

**Mr. Angelo Iacono (Alfred-Pellan, Lib.):** Mr. Speaker, on this International Volunteer Day, I want to pay tribute to all volunteers. Their generosity and their selflessness are the finest of human qualities. They have a thankless job that they carry out with dedication and compassion. They are the guardian angels of society who bring solace and compassion to those most in need.

I direct my remarks to all volunteers: you make your community proud; you embody our Canadian values; you are the strength that carries us; you are the lifeblood that makes the community grow by redistributing the energy.

I thank them 1,000 times over.

[English]

Their selflessness and generosity is a reflection of our core values and our priceless gift to society. They deserve a standing ovation.

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**ORAL QUESTIONS**

[English]

**TAXATION**

**Hon. Lisa Raitt (Milton, CPC):** Mr. Speaker, while the finance minister's ill-conceived tax plan has resoundingly been rejected by Canadians across the country, we are still less than a month away from full implementation of this process and we do not know what these new rules will mean to hard-working Canadians.

The government has proposed significant changes to the tax system for small businesses. They do not know how it will impact them on January 1. Is this fair?

**Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, our government has been very clear. We believe that the campaign commitment we made to Canadians included greater tax fairness. Our government spent considerable time listening to Canadians, working with small business people. We have outlined the details of a plan that we think is fair, that asks a very small percentage of people who have privately held corporations to pay a fair share of tax. Those details are understood.

*Oral Questions*

I know the member is very impatient for the upcoming federal budget, as all Canadians are, and I am sure she will look forward to those results.

**Hon. Lisa Raitt (Milton, CPC):** Mr. Speaker, the minister does not speak for me or for what I am concerned about. What I am concerned about is this. There are details severely lacking in the implementation of these tax changes.

I have great friends, Jim and Tina Tsouros. They run the best donair place in Milton, Ontario. They will wake up on January 1 of next year and they will have no idea what these changes are and how they will impact their lives.

Will the Minister of Finance show business owners like Jim and Tina the respect they deserve and provide them the plan.

**Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, because our government has such respect for the hard-working women and men who run small businesses, like those referred to by my hon. colleague, we have listened carefully to their concerns and have responded in detail with a tax plan we think is fair, which will mean that small business people who work hard to grow their businesses and create jobs will be treated fairly. Those who are among the wealthiest business owners will be asked to pay a fair share as well.

The member was a minister in a previous government. She knows that budgetary measures are not announced until the Minister of Finance stands in this place with the budget.

**Hon. Lisa Raitt (Milton, CPC):** Mr. Speaker, on November 1, the Minister of Finance told a Senate committee that the details would be forthcoming. Perhaps the Minister of Fisheries and Oceans should review what his other minister said, since he does not want to show up these days to answer questions in the House of Commons.

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

**The Speaker:** Order, please. I know the hon. member for Milton is aware that one does not call attention to the presence or absence of a member in the House. I would ask her to put her questions.

**Hon. Lisa Raitt:** Mr. Speaker, I do apologize. I appreciate the interjection on that.

The reality is that it is a full month later and we still have zero details on what the implications are going to be of these tax changes that the Liberals are ramming through our system. These changes have real consequences on people, on their payroll, and on how much rent they are going to pay on January 1. They deserve a plan.

I know the minister is a little preoccupied with his ethical lapses, but perhaps he should step aside so we can get some real answers for Canadians.

• (1420)

**Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, one thing my hon. colleague may like to tell the constituents she referred to who operate the small business is that they will in fact be paying lower small business taxes, thanks to the changes our government made.

Another thing my colleague, the Minister of Finance, has made clear is that we are continuing to review the submissions we received over the extensive period of consultation. We have said that all of the

details of these measures will be known in ample time, before they would come into effect, and we intend to keep that commitment,

[*Translation*]

**Mr. Alain Rayes (Richmond—Arthabaska, CPC):** Mr. Speaker, the Minister of Finance has announced some changes in his tax reform that small and medium-sized business owners are concerned about. These changes, which will have a negative impact on our economy, are planned for January 1, 2018, which is coming up in a few days. There is just one small problem: business owners have yet to receive a thing.

How can job creators, who work hard every day, plan for the coming months?

Given all of his personal scandals, is it possible that the Minister of Finance just forgot to inform them?

**Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, on the contrary, I hope my colleague will remind these small business owners that, if there is one thing they can count on, that is paying less taxes next year, in keeping with the commitment we made to small and medium-sized businesses during the last election. It is very important for small and medium-sized business owners.

As we have been saying from the beginning, we are currently reviewing the submissions we received, and the measures will be explained in detail before they are implemented, naturally.

**Mr. Alain Rayes (Richmond—Arthabaska, CPC):** Mr. Speaker, exactly 139 days ago, business people found out that some of them will no longer be able to sprinkle their income, but they still do not know who will be affected or how. It is a complete unknown. Despite what the minister would have us believe, they have not been given any details at all.

If the Minister of Finance put as much energy into supporting our business people as he does into managing his personal finances, things would be totally different. If he cannot do his job properly, he should vacate the position for someone else.

**Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, we believe the Minister of Finance is doing an exceptional job, and I hope my colleague will be satisfied with the economic results we have obtained.

For example, the Canadian economy created nearly 600,000 jobs over the past two years, most of them full-time, and the unemployment rate dropped to 5.9%, its lowest point in a decade. That is something the Conservatives could not even have dreamed of achieving when they were in power.

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#### INTERNATIONAL TRADE

**Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP):** Mr. Speaker, as was the case with the Prime Minister's last trip to Vietnam, no one knew the goal of his trip to China. The Liberals talked about tourism, SMEs, and so on and so forth.

Last week, the Prime Minister's Office did everything in its power to try to deny that this was about free trade.

If the government intended all along to enter into negotiations for a free trade agreement with China, why did it try to hide that from Canadians?

[English]

**Hon. Patty Hajdu (Minister of Employment, Workforce Development and Labour, Lib.):** Mr. Speaker, trade is vital to the Canadian economy. It opens up markets. It allows our hard-working businesses to create good paying middle-class jobs.

Canada is going to continue to embrace open and rule-based trade, while working to ensure that gains from trade are broadly shared. Our ambitious trade agenda includes, among other initiatives, modernization of NAFTA, FTA negotiations with India, the Pacific Alliance, and TPP countries, as well as FTA exploratory discussions with China.

[Translation]

**Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP):** Mr. Speaker, the problem is that when the Prime Minister was asked what he was doing to raise the issue of human rights in China, he said, and I am not joking, that he was holding press conferences with Canadian journalists.

News flash: that is what the Prime Minister does every time he travels; he talks to Canadian journalists.

Could the minister tell us exactly what the Prime Minister is doing, aside from media scrums, to raise the issue of human rights in China?

Any free trade agreement must include respect for human rights.

**Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.):** Mr. Speaker, the protection and promotion of human rights are fundamental priorities in our dialogue with China.

We raise the issue of human rights in China at every opportunity and we will continue to encourage China to respect its international commitments through open and frank dialogue.

By working to strengthen our relationship with China, we will have more opportunities to have frank discussions about issues that matter to Canadians, such as human rights.

• (1425)

[English]

**Ms. Tracey Ramsey (Essex, NDP):** Mr. Speaker, once again, zero transparency from the government on whether it has decided to launch formal negotiations with China, just like the Prime Minister's trip to Vietnam where Canadians were left to wonder if the TPP negotiations were on the agenda or not.

Environmental protections, labour standards, and human rights must be at the forefront of any trade and investment discussions. Any trade deal must support Canadian jobs.

Will the Liberals commit to being clear with Canadians before they start official talks with China?

**Hon. Patty Hajdu (Minister of Employment, Workforce Development and Labour, Lib.):** Mr. Speaker, Canadians appreciate that moving forward on a trade agreement is no small feat and that the process takes time. We also know it is important to get it right and to show progress in discussions.

### Oral Questions

With China, as with all our trading partners, we are committed to pursuing trade that benefits everyone, puts people first, reflects Canadian values, especially when it comes to the environment, labour, and gender. Both countries look forward to continuing exploratory discussions on a comprehensive trade agreement between Canada and China at a proper pace and in a responsible way.

**Ms. Tracey Ramsey (Essex, NDP):** Mr. Speaker, Canadians are tired of the Liberal government's talking points. They need transparency. The Liberals have failed to take action to address steel dumping by Chinese companies, putting our sector at a dangerous disadvantage. Just this week, a paper, ordered by Global Affairs, reported that trade with China was responsible for the loss of 105,000 good-paying manufacturing jobs in Canada. This is a huge concern for Canadians. The report was clear on the job losses to China.

What is the government's response?

**Hon. Patty Hajdu (Minister of Employment, Workforce Development and Labour, Lib.):** Mr. Speaker, trade is vital to a growing economy. It is important that we have markets to sell our products to. That actually strengthens employers. It actually strengthens the opportunity for people to have a healthy middle-class living and move strongly into the middle class.

We are confident in our approach. These exploratory talks are beneficial to all Canadians.

**The Speaker:** I must remind the hon. member for Essex that having asked a question, it is important not to intervene again until she has the floor.

\* \* \*

[Translation]

### ETHICS

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Mr. Speaker, almost two years ago, on December 7, 2015, the Minister of Finance introduced a tax measure that, in his words, would raise taxes on the rich.

The reality is that the rich have been paying less in taxes ever since that tax measure came into effect. According to the Department of Finance, they are paying \$1.2 billion less. That is a fact. Another fact is that a week earlier, on November 30, 2015, 680,000 shares in Morneau Shepell, which was under the control of the finance minister's family, were sold. That is a fact.

Can the Minister of Finance confirm whether he was, or was not, the person who sold those shares?

**Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, the Minister of Finance has never denied that he sold shares when he arrived in Ottawa in November 2015. I am now trying to understand my opposition colleague's reasoning or the link he is trying to establish.

*Oral Questions*

I am very proud that he mentioned the measure we announced on December 7, 2015. I thank him for that. One of our election promises was to raise taxes for the wealthiest 1% and lower them for nine million Canadians. We on this side of the House are proud of that accomplishment. I know this might seem odd to the opposition party, which preferred to give tax breaks to the wealthiest Canadians when it was in power.

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Mr. Speaker, it is sad to see such a brilliant young man still parroting the same lines, because the facts contradict what he just said.

A report published just two months ago by the Department of Finance confirmed that the wealthiest Canadians have been paying \$1 billion less in taxes since the Liberals came to power. The Liberals are saying the exact opposite. These are facts. The other fact is that a huge block of Morneau Shepell shares was sold one week earlier.

Can the parliamentary secretary finally tell Canadians the truth? Were those shares sold by the Minister of Finance, yes or no?

**Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, the minister and I have both said this before in the House: he sold shares in November and December 2015.

I want to thank my opposition colleague for his compliments. I am trying to see the link he is attempting to establish. Is he suggesting that the measure we announced on December 7 to raise individual income taxes in Canada affected the price of gas or share prices on the New York Stock Exchange? I am trying to understand the link he is making, but it is not easy.

[English]

**Hon. Candice Bergen (Portage—Lisgar, CPC):** Mr. Speaker, no matter how hard the Liberal spin doctors spin, the finance minister's ethical problems are not going away. There is just too much Canadians know, but still so much they do not know.

They know the minister did not put his assets in a blind trust and he was found guilty for hiding assets in France. What Canadians do not know is what else he was hiding in his other numbered companies where he was managing other assets, all for his own benefit. Canadians do not trust him.

How can the finance minister continue in this role?

• (1430)

**Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, the finance minister has always been fully transparent with the Ethics Commissioner. He has worked with her from the very beginning, and will continue to do so. He announced he would go even further.

What I can see clearly is that opposition members are trying to hide the finance minister's record, where we have created close to 600,000 jobs in the last two years. We have the fastest growth in the G7. The unemployment rate is at its lowest in a decade. That is what they are trying to hide with a smear campaign against the finance minister.

**Hon. Candice Bergen (Portage—Lisgar, CPC):** Mr. Speaker, the integrity of Canada's CFO must be beyond reproach. However,

the minister's ethical lapse has compromised his ability to keep the confidence of Canadians.

He has been found guilty of breaching a law and he is under investigation by the Ethics Commissioner for introducing legislation from which he could benefit. Now the commissioner is looking into his November 2015 sale of Morneau Shepell shares. On top of all of this, we do not know what else is lurking in the shadow of the finance minister.

Why will the finance minister not do the right thing and just step aside?

[Translation]

**Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, the Ethics Commissioner represents the institution that protects the integrity of Parliament. The Minister of Finance is working with her and has done so from the start to make sure that he is in full compliance with the rules that guide and govern us.

With regard to the finance minister's record, I can say that everyone on this side of the House is very proud to have a finance minister who helped Canada become the fastest-growing economy in the G7, created a huge number of jobs in Canada, and created an economic climate that allows our entrepreneurs to prosper, all while reducing inequalities. The opposition never managed to do that.

[English]

**Hon. Pierre Poilievre (Carleton, CPC):** Mr. Speaker, in a crass act of demagoguery, the Minister of Finance targeted and scapegoated our small business people, accusing them of being a "privileged few" who used "fancy accounting schemes" to avoid paying their fair share, yet it was he who set up a company in Barbados, it was he who put his Toronto holdings in an Alberta numbered company, even though he lives in Ontario, and it was he who realized his capital gains before his own tax increases came into effect to avoid paying them himself.

Why has he worked so hard to minimize his tax—

**The Speaker:** The hon. Parliamentary Secretary to the Minister of Finance.

**Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, I know that the member opposite knows a lot about demagoguery, so I will not put that in the answer.

I am very proud that the finance minister has lowered the small business tax and will be lowering it to 9% in the next two years. The finance minister has worked very hard in the last two years to create a climate that is prosperous for entrepreneurs. We have the fastest growth in the G7, and 600,000 jobs have been created. That is a record we can all be proud of.

## TAXATION

**Hon. Pierre Poilievre (Carleton, CPC):** Mr. Speaker, the finance minister's record is working hard to minimize his own tax bill while maximizing everyone else's.

Small businesses face massive changes in how they can pay their family members. Those changes come into effect in less than four weeks, yet the minister, because he is so up to his eyeballs managing his own personal financial scandals, has been wreaking havoc on the finances of those businesses. When will he come clean and tell them what their new rules will be?

**Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, we are reviewing the submissions we have received from Canadians. We have consulted from coast to coast, and the new proposals will be announced very shortly. We have always said that we want to make sure that we avoid unintended consequences. We stand behind the family business model, and a family member who legitimately works in a family business will be able to continue to be remunerated for it. We are behind small businesses. We are behind family businesses. We always will be.

**Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP):** Mr. Speaker, there is a leaked CRA memo that shows that eligibility for a disability tax credit has indeed changed for type 1 diabetes, spiking benefit rejections to 70% in 2017. Advocacy groups are saying that either the CRA lied to them or the minister has the wrong information. Remarkably, the minister continues to deny that changes have occurred.

No more talking points. Will someone over there show some integrity, stand up, admit the mistake, and correct it?

• (1435)

[Translation]

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, I would like to reassure all Canadians who receive the disability tax credit that the eligibility criteria have not changed. That being said, I am always willing to listen to the concerns of Canadians from all walks of life, and that is why, on November 23, I announced the reinstatement of the disability advisory committee. If changes need to be made to the agency's way of doing things, we will discuss them with the experts who sit on this committee. We will make those changes in a way that is fair to all recipients of the disability tax credit, regardless of their disability.

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, “[t]his is to inform you of updates to the current LST procedures and verses relating to adults with diabetes.” That was in an email sent to all employees of the CRA's disability program. Talk about a lack of respect on the part of the Minister of Revenue, who continues to tell everyone that nothing has changed.

Will the minister first remedy the situation and, more importantly, apologize to the vulnerable diabetics who have been refused access to the program even though they had always been approved previously?

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** As a social worker and as Minister of National Revenue, I have always worked on behalf of the most vulnerable people. For that reason, we have taken steps to make these credits more

## Oral Questions

accessible, including shortening the application form and allowing specialized nurse practitioners to fill out their patients' forms. Anyone who wishes to dispute the agency's decisions can do so by providing new medical information and requesting a review or appeal of a decision.

\* \* \*

[English]

## PERSONS WITH DISABILITIES

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Mr. Speaker:

Well you don't have it so bad. Everyone in Canada has a sob story.

Can the Minister of Sport and Persons with Disabilities clarify what he meant by these words, which he recently used while meeting with a group of thalidomide patients?

**Hon. Kent Hehr (Minister of Sport and Persons with Disabilities, Lib.):** Mr. Speaker, my heart goes out to thalidomide survivors. I know our government, led by the Minister of Health, is taking their concerns very seriously. I will continue to advocate on behalf of all Canadians with disabilities.

As someone with a disability myself, it was certainly not my intention to offend anyone. While some of my comments were misconstrued, as soon as I learned that my comments were felt to be offensive, I immediately called the organization directly and apologized.

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Mr. Speaker:

So you probably have about 10 years left then now. That's good news for the Canadian government.

Can the Minister of Sport and Persons with Disabilities please clarify what he meant when he said these words?

**Hon. Kent Hehr (Minister of Sport and Persons with Disabilities, Lib.):** Mr. Speaker, again, my heart goes out to thalidomide survivors. I know our government, led by the Minister of Health, is taking these concerns very seriously. I will continue to advocate on behalf of all Canadians with disabilities.

As someone with a disability myself, it was certainly not my intention to offend anyone. While some of my comments were misconstrued, as soon as I learned that my comments were felt to be offensive, I immediately called the organization directly and apologized.

\* \* \*

[Translation]

## CANADA REVENUE AGENCY

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Mr. Speaker, obviously, the Prime Minister gave the Minister of National Revenue a specific mandate: to find money to pay for the Liberals' out-of-control deficits.

*Oral Questions*

Now that she has admitted that she made up the \$25-billion figure, Canadians are worried. In the real world, the minister has been mandated to act as a pickpocket for the finance minister. The Minister of National Revenue has already gone after agricultural producers, farmers, diabetics, and retail workers. Who will be her next victims?

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, our government pledged that the Canada Revenue Agency would administer measures for persons with disabilities in a fair, transparent, and accessible way.

On November 23, I proudly announced the reinstatement of the disability advisory committee, which the former Conservative government disbanded in 2006. By reinstating the committee, the agency will benefit from its advice on how to enhance the quality and accessibility of the services it provides to persons with disabilities across Canada.

• (1440)

[English]

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Mr. Speaker, the government has been targeting small businesses and people with disabilities while patting itself on the back for supposedly recovering \$25 billion from cheaters, including from offshore shelters. We now know that the government's \$25-billion claim is false, that it will never collect the money, and that it does not even know how much of that is from offshore evaders.

When will the Liberals quit targeting disabled people, quit targeting the vulnerable, quit raising taxes, and stop misleading Canadians?

[Translation]

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, our government is fully committed to fighting tax evasion and aggressive tax avoidance.

The Canada Revenue Agency has a very effective recovery process, which was strengthened by our government's historic investments of close to \$1 billion in the agency. We are on track to recoup \$25 billion as a result of audits conducted over the past two years, something that a former Conservative finance minister, Mr. Blackburn, said was not even a priority for the Conservative government.

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[English]

**VETERANS AFFAIRS**

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, for those with depression, anxiety, and PTSD, Christmas can be a very stressful time. To add to this stress, the B.C. court ruled that governments do not owe veterans a sacred obligation, and the minister appears to agree.

As we know, it was a legal fight that began under the Conservatives and continued with the Liberals, in spite of their election promise to restore pensions. Will the minister show veterans some respect and compassion and announce his new pension option scheme before the House rises?

**Hon. Seamus O'Regan (Minister of Veterans Affairs, Lib.):** Mr. Speaker, as I have said many times in this House, as I did yesterday after the decision was rendered, we will be announcing our pension-for-life option before this House rises. The decision rendered yesterday was a difficult one for those who put it forward in the courts. We understand that. We also appreciate their advocacy. We appreciate that they put the case forward on behalf of many veterans.

We stand by our commitment to offer a pension-for-life option by the end of this calendar year.

\* \* \*

[Translation]

**PRIVACY**

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** Mr. Speaker, our worst fears about Bill C-23 have been realized. A Canadian citizen has been subjected to profiling at the Ottawa airport. She faced intense questioning and had her smart phone searched without reasonable grounds by American border guards. Bill C-23 has not even passed yet, and already Canadians are being discriminated against on Canadian soil.

[English]

With President Trump's disregard for rights and privacy, how can the Liberals go ahead with giving more powers to American agents on Canadian soil?

**Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, when people cross the border from Canada into the United States, they need to comply with the customs and immigration procedures of the United States. They can do that in the conventional manner in the United States after they have crossed the border—get in line and take their chances—or they can do it in a pre-clearance environment, before they cross the border, where they have the overall umbrella and protection of the Canadian Charter of Rights and Freedoms.

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**SOCIAL DEVELOPMENT**

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Mr. Speaker, volunteers play a crucial role in Canadian society. In my riding of Kingston and the Islands, organizations like Martha's Table and St. Vincent de Paul volunteer to help build healthy and socially inclusive communities, not just by their actions but by the spirit of generosity that motivates them to create, support, and sustain non-profit and charitable organizations.

[Translation]

Since today is International Volunteer Day, can the Minister of Families, Children and Social Development tell us how the government is recognizing the work of volunteers?

**Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.):** Mr. Speaker, I would like to begin by thanking our colleague from Kingston and the Islands for his remarkable efforts to support the work volunteers do to make our society a better place.

*Oral Questions*

[English]

Tonight I will be pleased and privileged to take part in Canada's awards ceremony, where we will celebrate the contributions made by volunteers across Canada. This year is a special year, because we are introducing Canada's volunteer awards for past and present winners who have given and will be giving their valuable time to support our communities.

I am sure everyone in this House will be with me to celebrate, thank, and congratulate our volunteers for their remarkable work.

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**TAXATION**

**Ms. Marilyn Gladu (Sarnia—Lambton, CPC):** Mr. Speaker, for months the government insisted that there was no change to the disability tax credit for people with diabetes. Yesterday, Diabetes Canada and JDRF released emails proving that CRA changed the way it handled DTC claims for people with diabetes.

Yesterday, the minister released a statement in which she said the emails were just an update of communications and that there was no change to how the claims were handled, except that literally, the second sentence of CRA's memo said, "the purpose is to better determine eligibility".

How can the minister continue to mislead Canadians?

• (1445)

[Translation]

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, I want to reassure all Canadians receiving the disability tax credit that the eligibility criteria have not changed. If any changes need to be made to the agency's processes, we will consult with the experts on the disability advisory committee that we are creating. We will do so based on the principle of fairness for everyone who receives the disability tax credit, regardless of their disability.

**Hon. Maxime Bernier (Beauce, CPC):** Mr. Speaker, the Minister keeps telling us that no changes have been made to the eligibility criteria for people with type 1 diabetes. We have now learned that senior officials in her own department confirmed that the tax credit should be denied to most people with type 1 diabetes.

My question for the minister is quite simple: who is telling the truth, the minister or her senior officials?

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, I will say it once more: I want to reassure all Canadians who receive the disability tax credit that the eligibility criteria have not changed.

[English]

**Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC):** Mr. Speaker, this minister continues to repeat old, tired talking points. We know that she is misleading the House, and type 1 diabetics deserve an answer.

Did the minister approve this memo, yes or no?

[Translation]

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, as a former social worker, I am very familiar

with the impact of a disability or chronic illness on an individual and family members living with him or her. On November 23, we reinstated the disability advisory committee. If changes must be made to the agency's process, we will make them with the experts seated around the table. We will work together and listen to them. All Canadians must receive the tax credits they are entitled to.

[English]

**Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC):** Mr. Speaker, I asked a direct question in this place.

There is only one of two choices here. The minister is either incompetent and unable to manage her own department, or she is complicit in this tax hike and she owes type 1 diabetics right across this country an apology. Which is it?

[Translation]

**Hon. Diane Lebouthillier (Minister of National Revenue, Lib.):** Mr. Speaker, our government pledged that the Canada Revenue Agency would administer measures for persons with disabilities in a fair, transparent, and accessible way. People are entitled to the disability tax credit, regardless of their disability. Ensuring that these people receive the tax credit they are entitled to is a priority for me.

I want to point out to my colleague that it was the Conservatives who disbanded the disability advisory committee, and we are reinstating it.

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**PUBLIC SERVICES AND PROCUREMENT**

**Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP):** Mr. Speaker, it is three weeks until Christmas, but federal public servants are in no mood to celebrate.

Many public servants affected by the Phoenix pay problems are worried about the holidays and are struggling to make ends meet.

However, in 2015, the Liberals promised to find a solution to fix Phoenix. What have they done in the past two years, other than blame the Conservatives? Not much.

When will this government do its job and ensure that Phoenix works for all public servants?

**Hon. Carla Qualtrough (Minister of Public Services and Procurement, Lib.):** Mr. Speaker, let me assure you that resolving this situation is my top priority.

People deserve to be paid properly and on time. When the previous government irresponsibly treated this project as a cost-cutting measure instead of the complex, enterprise-wide business transformation that it was, it set the project up to fail and exposed it to enormous risk.

### Oral Questions

We are currently taking steps that the previous government did not take.

• (1450)

[English]

**Mr. Erin Weir (Regina—Lewvan, NDP):** Mr. Speaker, that kind of scripted answer is not good enough. It is not good enough for the workers who held a rally this weekend, saying they were not excited for Christmas because they could not afford presents. It is not good enough for the woman in Edmonton who has been told to repay \$43,000 to Phoenix when she only makes \$35,000. The minister's talking points are unacceptable.

Will the minister commit to fixing Phoenix by next Christmas so that workers can at least enjoy that holiday?

**Hon. Carla Qualtrough (Minister of Public Services and Procurement, Lib.):** Mr. Speaker, let me assure everyone that resolving this is our top priority. We understand that it is completely unacceptable that workers are not being paid. What we are asking of them is really unacceptable. We are leaving no stone unturned. We are working on governance. We are working on technology. We are working with our partners, including unions, who are helping us to find solutions. We are working to improve communication with workers.

I can assure the House that we are leaving no stone unturned.

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### VETERANS AFFAIRS

**Mr. John Brassard (Barrie—Innisfil, CPC):** Mr. Speaker, \$10.5 million. That is what the Prime Minister paid to Omar Khadr, the same Prime Minister who used veterans and members of his own caucus as election props, promising that no veterans would have to fight their government in court. Nine months after the election, the Prime Minister restarted a lawsuit that resulted in yesterday's Equitas decision. Our veterans lost. Sadly, Canada's veterans now understand just how little value they have to the Liberals, except at election time, compared to a terrorist.

How can the Prime Minister justify handing over millions to Omar Khadr while fighting our veterans in court?

**Hon. Seamus O'Regan (Minister of Veterans Affairs, Lib.):** Mr. Speaker, many of the issues raised by the Equitas lawsuit are part of our mandate, part of my mandate specifically, and our government takes them seriously, so seriously that we took immediate action when we were elected. We increased the disability award substantially. We increased the earnings loss benefits substantially. We invested in education, career transition, greater recognition for caregivers, more and better support for families, and mental health support.

We have done more substantially on this file in two years than those members did in 10.

[Translation]

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, they have indeed done substantially more. They continue to drag veterans into court.

During the 2015 election, in a bid to win over veterans, the Liberals promised to restore lifetime pensions for injured veterans. The Liberals repeated that promise in March of this year.

However, the Liberal government continued to fight them in court in order to get out of keeping its promise. The Liberal government does not care about veterans, but it honours a traitorous terrorist with financial compensation.

Why is the Prime Minister not keeping his promise?

[English]

**Hon. Seamus O'Regan (Minister of Veterans Affairs, Lib.):** Mr. Speaker, once again I stand before this House, and I will say on the promise we have made to Canadians and our veterans that we will have an option on a monthly pension for life by the time that this House rises. This side of the House will keep its promise.

**Mr. Phil McColeman (Brantford—Brant, CPC):** Mr. Speaker, as much as the minister would like to paper over it, the Prime Minister took our veterans to court. The Liberals also promised to reverse the Martin Liberals' cancelling of lifelong pensions for injured veterans. After getting elected, "pension" became "pension option", and after beating veterans in court yesterday, it was reduced to "benefit option". Will veterans get a lifetime pension as promised, or will the Liberals just keep playing a shell game with the existing benefits?

**Hon. Seamus O'Regan (Minister of Veterans Affairs, Lib.):** Mr. Speaker, one would almost think that the other side was not aware of the fact that it was the government for the past 10 years. Let me be very clear. It was that previous government that took Equitas to court. It was that government that offered lump sum payments. All sides of this House did agree, though, to a new Veterans Charter, and the idea behind it was that it would be a living tree, that we would address veterans' needs as they arise. Guess what. It withered on the vine for 10 years. We have done more for veterans in two years, substantially more—

• (1455)

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

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### EMPLOYMENT

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, those of us on the government side ran on a platform of investing in Canadians, creating jobs, and growing the economy. In fact, last week the reports coming out showed that the economy is doing very well, meaning more Canadians are working in productive work and adding to the economy. But there are others who are not participating in the economy and are still looking for work. Can the Minister of Employment, Workforce Development and Labour tell me what she is going to do to build on—



*Oral Questions*

**The Speaker:** The hon. Minister of Employment, Workforce Development and Labour.

**Hon. Patty Hajdu (Minister of Employment, Workforce Development and Labour, Lib.):** Mr. Speaker, I would like to thank my colleague from Malpeque for his question and his tireless work on behalf of Canadians. We ran on a platform to invest in Canadians, to create jobs, and to support a thriving middle class. Canada has created more than 600,000 jobs since October 2015. We have the lowest unemployment rate in a decade. In November alone, we created 80,000 jobs, and this is through the hard work of Canadians, along with a government that supports them to do their absolute best.

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**INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT**

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Mr. Speaker, Bell and several other media conglomerates have announced a proposal to create a mandatory blocking system for websites that they have arbitrarily determined are inappropriate. However, the blocking process would take place with little to no oversight by our courts. This plan has Internet and net-neutrality experts concerned. Will the government let these multi-billion dollar companies control Canadians' Internet access?

**Mr. David Lametti (Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, Lib.):** Mr. Speaker, as our minister has made very clear, we support the principle of net neutrality, where Canadians have access to the content of their choice in accordance with Canadian laws. I can assure my hon. colleague and friend that net neutrality is the critical issue of our times, much like freedom of the press and freedom of expression that came before it. That is why our government will continue to support a strong net-neutrality framework through the CRTC.

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**FISHERIES AND OCEANS**

**Mr. Fin Donnelly (Port Moody—Coquitlam, NDP):** Mr. Speaker, in September, thousands of farmed Atlantic salmon escaped from a U.S. fish farm, infesting B.C. waters. In October, coastal first nations occupied two marine harvest farms because they never agreed to open-net salmon farms in their traditional territories. Last week, the world witnessed a graphic video of fish farms spewing virus-laden fish blood directly into the wild salmon migration routes. Scientific analysis shows it contains PRV, which threatens wild salmon with infection. Enough is enough. When will the minister get these disease-ridden farmed salmon out of B.C. waters?

**Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.):** Mr. Speaker, as I have said a number of times in the House, and I have shared with my colleagues on this side of the House of Commons from British Columbia, and in numerous discussions with the provincial government, we understand the concern that people have, British Columbians have, with respect to wild Pacific salmon stocks. We also understand that our government has a responsibility to work with the province, to work with the industry, to ensure that all of the necessary reviews, audits, all of the necessary compliance measures are in place, including

rigorous science. That is what we will continue to do, and we will work with indigenous communities in doing that as well.

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**CANADIAN HERITAGE**

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, 100 years ago in Halifax Harbour, on December 6, 1917, two ships known as the *Imo* and the *Mont-Blanc* collided. The explosion that ensued left nearly 2,000 dead, 9,000 injured, and 25,000 homeless. The Mi'kmaq village of Turtle Grove near Shannon Park, Dartmouth, was completely levelled.

To this day, it is a day that remains etched in our city's collective memory. In this year of Canada 150, could the Minister of Canadian Heritage please update the House on what is being done to commemorate this solemn anniversary?

**Hon. Mélanie Joly (Minister of Canadian Heritage, Lib.):** Mr. Speaker, Canada 150 is an important moment to remember the events that have shaped us as a country. Our government is proud to have invested just under \$1 million to commemorate the 100th anniversary of the Halifax explosion. This includes the creation of a memorial space, and it also includes the installation of 12 plaques across the country connecting the many stories of this disaster. Let us continue to ensure that the true legacy of this event is the resilience of the people of Halifax and Dartmouth in the face of unspeakable tragedy.

\* \* \*

● (1500)

**FOREIGN AFFAIRS**

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** Mr. Speaker, two more mass graves filled with the bodies of Yazidis have been unearthed in Iraq. Over a year ago, MPs unanimously voted to support a UN recommendation to preserve and document Yazidi mass grave sites.

The Prime Minister has told us what he is doing to provide reintegration and support to ISIS terrorists back in Canada. Will he tell us what he is specifically doing to expedite prosecution of ISIS terrorists at the International Criminal Court to bring justice to the victims of ISIS perpetrated genocide?

**Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, this topic was on the agenda for the G7 security ministers when we met a few weeks ago in Italy. We agreed that we all needed to work very carefully together to collect and preserve all of the evidence from the battlefield, and to make sure that the evidence was in a form in which it could be used in all courts, whether international or domestic, anywhere around the world, to make sure that the interests of justice were served.

*Government Orders*

[Translation]

**EMPLOYMENT INSURANCE**

**Mr. Simon Marcell (Mirabel, BQ):** Mr. Speaker, former Aveos workers ended up on EI when Air Canada illegally moved their jobs. They took legal action to get their jobs back, but the government cheated and changed the law.

Today, that same government is forcing them to repay the EI benefits they received when they illegally lost their jobs as a result of the government's collusion. That takes some nerve.

Will the minister cancel their debts and stop the collection procedures?

**Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.):** Mr. Speaker, I am pleased to have this opportunity to say that our government is sensitive to and aware of the difficult circumstances that many workers, including the Aveos workers, have gone through in recent years.

These workers deserve the respect of the public service and Service Canada. I invite all of them to use every available resource, including their MPs, to ensure they are fully respected.

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**PUBLIC SERVICES AND PROCUREMENT**

**Mr. Michel Boudrias (Terrebonne, BQ):** Mr. Speaker, in order to do its job, the navy needs three supply ships. It ordered three from Seaspan, but we have learned that this shipyard will not be able to deliver any until 2027.

Operational needs remain the same, however. The same number of interim supply ships is still needed for the next 10 years, as confirmed by an internal memo to the deputy minister of defence.

Is the defence minister sacrificing national security just to avoid having to admit that other shipyards are not up to the job and that Davie is the only way to get out of this mess and get the equipment we need on time and at a good price?

[English]

**Hon. Harjit S. Sajjan (Minister of National Defence, Lib.):** Mr. Speaker, because we lost our two joint supply ships, there was a capability gap that was created, hence the reason why two joint supply ships are being built. In terms of the timeline that it has taken, the interim gap that needs to be filled, Davie shipyard is building that interim capability gap, and we thank them for that service.

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**GOVERNMENT ORDERS**

[English]

**WRECKED, ABANDONED OR HAZARDOUS VESSELS ACT**

(Bill C-64. On the Order: Government Orders:)

October 30, 2017—The Minister of Transport—Second reading and reference to the Standing Committee on Transport, Infrastructure and Communities of Bill C-64, An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations.

**Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP):** Mr. Speaker, because the abandoned vessel problem is so urgent and to give us a chance to insert, as early as possible, the solutions from coastal communities that used to be embedded in my non-votable Bill C-352, I ask for unanimous consent to move the following motion. I move:

That, notwithstanding any standing order or usual practice of the House, Bill C-64, An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations, be deemed read a second time and referred to the Standing Committee on Transport, Infrastructure and Communities.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

[Translation]

**Mr. Gérard Deltell:** Mr. Speaker, I mentioned a report when I asked my question earlier. In the interest of transparency, I am seeking the consent of the House to table the following report, which comes from the Department of Finance. It is the Government of Canada's 2016-17 annual report, which says, on page 16—

**Some hon. members:** No.

[English]

**Mr. Kevin Lamoureux:** Mr. Speaker, I would ask you to canvass the House to see if, in fact, there is unanimous consent, as the member across the way suggested, with regard to Bill C-64, please.

● (1505)

**The Speaker:** Does the hon. member for Nanaimo—Ladysmith have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to, bill read the second time, and referred to a committee)

\* \* \*

**ACCESS TO INFORMATION ACT**

The House resumed consideration of the motion that Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, be read the third time and passed.

**Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC):** Mr. Speaker, I will be sharing my time with the good member for Kamloops—Thompson—Cariboo.

It is often said that image is everything. I share that observation because never before in modern day Canadian history have we witnessed a prime minister who is as image conscious as the member for Papineau is. I am not here today to debate the merits or lack thereof of that point, but rather to point out how that branding exercise led us to Bill C-58.

*Government Orders*

For those who were not here in the previous Parliament, I shall indulge a little. Shortly after becoming the leader of the Liberal Party of Canada, the member for Papineau was creating his brand. Part of that brand, and we hear it all the time, was the “sunlight is the best disinfectant” routine. It played well in the Liberal narrative that the former prime minister led the most secretive government in Canada's history, so the member for Papineau introduced a private member's bill to highlight that.

As some will know, during the last election the Liberals again made many of the same open government style promises, similar to what was in the Prime Minister's earlier private member's bill. As usual, these promises used many of the correct buzzwords. They looked good. They sounded good. There was only one problem: the Liberals got elected and now those promises have to be fulfilled.

That leads to our second problem. Bill C-58 does not do exactly that. In fact, it fails so badly that the Office of the Information Commissioner of Canada stated in the headline of a news release that “Bill C-58 results in a regression of the rights to access to information”. If we think about that statement for a moment, it is not by a member of Her Majesty's loyal opposition, or the third party, but from the office of an independent officer of Parliament.

Not only that, the bill actually breaks the Prime Minister's own commitments. Despite the commitment to apply access to information laws to the Prime Minister's Office and his cabinet ministers, they all get a pass. It is yet another example of there being one set of rules for everyone else, but a look-the-other-way clause when it comes to the most senior Liberal insiders. That is a growing problem with how the Prime Minister and his small, elite inner circle does things. Many of our constituents are becoming tired of it.

I was not a supporter of the Prime Minister's earlier private member's bill. As I was the parliamentary secretary to the president of the Treasury Board at that time, I was aware that some of the proposed measures were administratively problematic, and I came into this place and said as much.

The problem here is that those challenges were always well known, but in spite of them, the Prime Minister was happy to campaign on them and promise them anyway. Therefore, like many of those priorities and promises, they get thrown by the wayside now that the Prime Minister and his small inner circle control the levers of power.

That is not principled leadership. To promise things one can deliver on, but chooses not to do so is a betrayal. There are other words to describe that, but I would never want to be unparliamentary.

Here we are. We have a bill that the Information Commissioner essentially condemns. Virtually all of those who frequently make access to information requests and use the ATIP legislation have also widely condemned the bill. In fact, during my research, I could find no significant support for the bill whatsoever. If there is, I would really like to hear government members say so. Basically, all expert opinion gives it a fail. It does not meet the promises the Prime Minister made.

●(1510)

In fact, *The Globe and Mail* reports that Canada's access to information system has become worse under the Liberal Prime Minister. We all know that the bill would not fix that. Many experts suggest that it will only make things worse.

I will not suggest the last government was perfect on the subject either, but we were on the right track. In 2013, the former government released nearly six million pages of information to Canadians, an increase of over a million and a half pages over the preceding year.

Under Bill C-58, we will have a law that says the Prime Minister's office and his ministers can tell Canadians to pound sand when it comes to access to information requests. Keep this in mind. This is the same Prime Minister who was happy to build his brand and score points after promising he would do the exact opposite.

I will again ask the question I recently asked. The Prime Minister, as we all know, came into this place and said “Sunshine is the best disinfectant.” Why did he say that? Did he say it because it was politically convenient to do so at the time? Did he say it because it showed the principle should only apply to everyone else but himself and his ministers? Did he say it because it happened to be true?

Before I close, I will ask a question. Right now we have a very serious situation where single parents, primarily single mothers, are being unfairly targeted by the Canada Revenue Agency. As a result, in many cases, their Canada child benefits are being delayed, denied, or even clawed back in some cases. We also know that those with type 1 diabetes are also being disturbingly targeted by CRA.

I will credit many backbench Liberal MPs who I know are just as concerned about this situation as I am. I also know that several of them are reaching out to try to help some of those who are being unfairly targeted by this. Some have even stated publicly that they are also concerned.

The ultimate challenge is this. What is the minister going to do to solve this problem? Ultimately that is where the problem is. Thanks to Bill C-58, we will never know. That may be good enough for some. It certainly was not good enough for the member for Papineau, when he was handing out gift bags of election promises, a continued pattern of broken promises that results in one level of rules for senior Liberal insiders and another set for everyone else not the sunlight of disinfectant the Prime Minister promised.

●(1515)

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Madam Speaker, let us just assume for a second that the member is correct, which I do not believe he is, that the legislation does not attempt to fix the problems we seek to fix.

On what ground does the member and the opposing party have to stand when the Conservative track record did absolutely nothing for openness and transparency? The ministerial letters were all kept in secret. They did not advance any objective toward more openness, accountability, and transparency.

*Government Orders*

On what ground does the member and the opposition party have to stand in making the comments they are making today? I have been listening to them making these comments throughout the day.

**Mr. Dan Albas:** Madam Speaker, I heard the member during question period, and he asks a great job question.

In 2009-10, we invested in access to information. It was a 10% increase, which saw, by the time 2013 came around, a reduction in the amount of time it took to get access to information requests. We were improving that record.

The bill would make it easier for someone to call it vexatious request and to deny the request for that reason. When he was a member of Parliament in the third party in the corner, the Prime Minister put forward a swath of propositions to improve the system, campaigned on them, and, in his own mandate tracker, has said that the Liberals are on track to do them, when the bill would do nothing for it.

By the Liberals' standards of transparency, the mandate tracker and Bill C-58 leave much to be desired.

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, consistently Conservative after Conservative stands and tries to give what I would classify as a false impression. We know that within the legislation there will be more accountability, transparency, and proactive disclosure. The commissioner will have more authority. No matter how the Conservatives try to twist and bend that, the truth is the truth. We will see more transparency and accountability with the passage of the legislation.

Why does the Conservative Party oppose the Government of Canada, once again, fulfilling another election platform by ensuring more accountability and transparency in the House?

**Mr. Dan Albas:** Madam Speaker, first, I would like to point out the quote I gave from the Information Commissioner, an officer of this Parliament. She says, "Bill C-58 results in a regression of the rights of access for information."

No credible third parties have said that Bill C-58 will deliver specifically on what the member and his government campaigned. If he wants to say that Bill C-58 will revolutionize access to information, we would think someone out there in civil society would support the government. I do not see that. I do not hear that. Could it be because there is no one?

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Madam Speaker, I would like to refer to the mandate letters. Many times today we have heard government colleagues refer to the mandate letters and the great value of them. Whether it was the mandate letter on electoral reform, the promise to deliver mail, or even the mandate letter to the finance minister, they have not been followed.

What value are those open and transparent mandate letters if they are not used?

• (1520)

**Mr. Dan Albas:** Madam Speaker, whether we are talking about the mandate letters or ministerial question period books being made available, we get that anyway. When a government comes to office, it usually has a full campaign document outlining all the

commitments. The previous Harper government, in 2011 when we were elected, had about 111 promises. We kept over 105 of them.

It is really important to know that Canadians care about that. Elected officials should keep their word. If things change, they should be open, transparent, communicate that to the Canadian public, and then be held accountable for that. Changes to the mandate tracker do not do that.

[*Translation*]

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Before we resume debate, there is a point of order.

The hon. member for Hochelaga.

**Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP):** Madam Speaker, there have been discussions among the parties and I believe you would find unanimous consent for the following motion:

That, notwithstanding any Standing Order or usual practice of the House, at the conclusion of today's debate on the motion for third reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, every question necessary to dispose of the said motion shall be deemed put, and a recorded division deemed requested and deferred until the expiry of the time provided for Oral Questions on Wednesday, December 6, 2017.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Does the hon. member have the unanimous consent of the House?

**Some hon. members:** Agreed.

(Motion agreed to)

[*English*]

Resuming debate, the hon. member for Kamloops—Thompson—Cariboo.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Madam Speaker, I rise to add some comments to the debate today. I am not pleased to rise to add comments, because, again, we have before us legislation that certainly does not live up to the standards the government has set for itself, and is significantly flawed.

One of the most concerning things about the legislation is this, and it is important for the listeners to hear is this. If the Liberals think the legislation is right, they should also listen.

This is from Suzanne Legault, the Ethics Commissioner. She said:

When I was preparing for this committee, I went back to the request that was made by Daniel Leblanc, the journalist who uncovered the sponsorship scandal. That request would not have met the...requirement under Bill C-58.

As people might recall, the sponsorship scandal was a Liberal scandal. Millions of taxpayer dollars were diverted. Therefore, for the Liberals to have legislation before us that they are saying is adding benefit and value, when Suzanne Legault says that about it, we wonder what they are trying to do and what they are trying to hide.

### Government Orders

The amendments to Canada's Access to Information Act will affect every organization that shares information with the federal government and every individual who wants access to that information. While the Liberals are claiming to improve the act, the content of the bill is not only deficient in truly bringing the act forward, but it also opens a lot of loopholes for the Liberal government to refuse to process certain information.

I will look at something that has been happening over the last few days.

This morning I was at the AFN conference and I listened to the minister speak. She talked about how long comprehensive and specific land claims took and how that was unacceptable to the government. She talked about needing a process that moved forward in a more robust way to recognize aboriginal title rights and to resolve these long-standing issues. On the other hand, and this was quite ironic, she said this to the assembly of chiefs, that today we were debating this legislation in the House.

This is what some very important indigenous organizations have said about this.

The National Claims Research Directors stated:

Bill C-58 will greatly impair the ability of First Nations to document their claims, grievances, and disputes with the Government of Canada and will significantly impede First Nations' access to justice in resolving their claims. The Bill... significantly undermines First Nations' existing rights of access to information.

That hardly sounds like the commitment the minister made this morning to the chiefs, to have a bill before the House that would significantly impact their ability to do the very thing that she said needed to move forward in an expeditious way.

The Office of the Auditor General of Canada recently conducted an audit of Canada's specific claim process. The OAG report, released in November 2016, concluded that Canada's Department of Indigenous and Northern Affairs introduced numerous barriers that hindered the resolution of claims, including by restricting information.

Therefore, if passed into law, Bill C-58 will impose substantive new barriers to the resolution of first nation claims. It will also provide legislative authority for the suppression of evidence, which first nations require to pursue their claims against Canada. Revisions to the act will enshrine into legislation overly prescriptive and inappropriate requirements for applicants seeking records, as well as providing legislative grounds for government bodies to deny access to records that are vital to first nations.

Therefore, it is important to look at what the government has said it will do and what it actually does when it puts legislation forward. This is truly another broken promise by the Liberal government.

During their election campaign, the Liberals claimed they would extend the act so it applied to the Prime Minister's and ministers' offices. However, that will not be the case.

● (1525)

Katie Gibbs, executive director of Evidence for Democracy, has stated:

By excluding the ability to request information from ministers' offices and the PMO, this government falls short of meeting their campaign promise to make government "open by default".

Moreover, this legislation would enable the government to refuse any access to information requests if it believes they are vexatious, made in bad faith, or a misuse of the right to request information. Refusal to respond to a request will be subject to a right of complaint to the Information Commissioner. The Information Commissioner will have the power to force communication of every document or part of it under the control of federal institutions.

A government that chooses what to publish and when is not democratic and cannot be accountable to its citizens. That is fundamental. For all their talk about sunshine being a disinfectant, the Liberals have introduced darkness through the back door.

In a democratic state, a government should be open and transparent to its citizens, so why are the Liberals going out of their way to hide behind closed doors and refusing Canadians the right to fundamental information?

Duff Conacher, co-founder of Democracy Watch, states:

The bill take a step backwards in allowing government officials to deny requests for information if they think the request is frivolous or made in bad faith. Public officials should not be given this power, as they will likely use it as a new loophole to deny the public information it has a right to know.

I am going to tell the House about a personal situation closer to home. I have a constituent who faced a significant small business challenge, and while he was in Ottawa he met with a number of different folks within the government, including some policy advisers. He needed to get some information from the Canadian Food Inspection Agency. He was facing a difficult situation, and when he looked into getting information, he was told that it would take 479 days to obtain what he needed. He would have to wait one year and 4 months to obtain information that was critical for his business, and not only his livelihood, but the livelihoods of his many employees.

Despite the promise to be more transparent, the Trudeau government is failing. As the *Toronto Star* has stated:

The national freedom of information audit found the federal access system is bogged down to the point where, in many cases, it simply doesn't work....

The researchers found the federal system continues to be far slower and less responsive than provincial and municipal freedom of information regimes....

Just one-quarter of requests to federal government departments, agencies and Crown corporations were answered within the 30-day limit. One-third of the requests had not received a response by the end of the audit, which means those requests were outstanding for three months or more, with most closer to four months. The RCMP, Health Canada and National Defence were three institutions that cited large backlogs of requests, leading to bottlenecks and delayed responses. Information on pages eventually released under the federal access law can be blacked out for a variety of reasons including national security, legal privilege and commercial confidentiality.

They would get stuff that was totally blacked out.

*Government Orders*

Clearly the system is not working. The Liberal government committed to fixing the system and, quite frankly, it has made it much worse.

The Liberals issued their own mandate tracker, which has been quickly derided, but gave themselves an A+ for moving this legislation forward and telling Canadians how valuable, important, and great it would be in terms of new transparency. That is completely inaccurate.

I started my remarks by saying if this were in place and if it had cut off the initial investigation of the sponsorship scandal, then it is clearly not a piece of legislation that should pass through the House.

• (1530)

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Madam Speaker, I was listening with interest to the presentation across the way and heard a lot of criticism of how the system is currently functioning. The member said it is slow and people are not getting the information they want. As far as I know, the Access to Information Act has not been updated in 34 years. She and members of her party had an opportunity to update that legislation, taking into account all of the changes that have been happening with the Internet and the like.

Does the member not think it was a priority to deal with that so we would not have to wait? Clearly, she feels that the current situation is unacceptable and that change is needed, which is exactly what we are doing.

**Mrs. Cathy McLeod:** Madam Speaker, I was very proud when the Conservatives came into government that the accountability act was a huge step forward. However, no update is better than a bad update.

What we have now are first nations communities saying that the current government will make their lives more difficult, and Suzanne Legault saying that first nations cannot get information that was really critical in the past. It would not meet the new standards that have been set.

I would finish by saying that the Liberals have introduced legislation that is worse than the status quo, and the status quo was not acceptable.

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** Madam Speaker, to follow up on the exchange between my colleague on the Liberal side and my friend from British Columbia, the Liberals seem to be saying that these changes in Bill C-58 will increase transparency and assist Canadians in getting more information from their own government. In fact, it seems to be far more regressive than anything we have seen in the last 34 years.

Does my colleague from British Columbia think that if the changes in Bill C-58 are legislated, it would mean that the government would, on its own volition, be able to determine what information it chooses to give to Canadians?

• (1535)

**Mrs. Cathy McLeod:** Madam Speaker, that is an excellent question. Clearly, that is what this bill would do.

Had it been the previous Conservative government that introduced this bill in a similar form, the Liberals would have been outraged and

pointing out its flaws, just as I have today in my speech. They would not have supported it for a minute. While the government says this bill is so transparent and such a great move forward, I am almost certain they would never have supported it in the past when we were government.

**Mr. Andy Fillmore (Parliamentary Secretary to the Minister of Democratic Institutions, Lib.):** Madam Speaker, my thanks to my friend from Kamloops—Thompson—Cariboo for her intervention today. I am struck by the characterization of this bill as regressive when, in fact, it addresses a number of issues that were highlighted by Canadians during the previous government's tenure, but never acted upon.

“Open by default” is now the official stance of this government, as pronounced by the Treasury Board. We are seeing great advances toward that, such as the order-making power for the commissioner and disclosure requirements being extended to the Prime Minister's Office and to officers of Parliament.

However, I do want to ask a question about my colleague's remarks on indigenous affairs. I will begin by commending her for her tremendous work on behalf of indigenous peoples in Canada.

Members of indigenous claims organizations, who are very important stakeholders in this, were consulted. That is why a number of amendments were made at committee. Does the member think those amendments were helpful to indigenous claims organizations?

**Mrs. Cathy McLeod:** Madam Speaker, the AFN is looking at issuing an emergency resolution because it is so concerned about this particular bill. Clearly, whatever amendments were done at committee were not satisfactory.

That is all we need to say on that issue.

**Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC):** Madam Speaker, I recently became chair of the access to information, privacy and ethics committee, where this bill was brought. We talked about all of its positives, which were few, and many of its shortcomings. The shortcomings were highlighted by the many witnesses we heard from.

I think the most significant would be the commissioner herself, who said:

When I was preparing for this committee, I went back to the request that was made by Daniel Leblanc, the journalist who uncovered the sponsorship scandal. That request would not have met the new requirement under Bill C-58.

That highlights what I want to speak to today. We have heard many talking points. It is one thing to actually be in committee and hear all the testimony exposing all of the problems with Bill C-58, but another to hear other members regurgitate talking points that just demonstrate their lack of knowledge of the opposition to the bill.

That is what I want to point out today, the contrast between that and a government that came in with sunny ways and wanted to have sunlight shining on problems to highlight issues.

*Government Orders*

I neglected to announce that I will be sharing my time with the member for Kitchener—Conestoga.

What I think people watching this debate today need to understand is that they have been sold the idea that the government is more open and accountable, and that what is really happening is the opposite. What is happening through Bill C-58 is actually more cover-up, from ministers' offices, the Prime Minister's staff, etc.

We are going to see more cover-up and more protection of information. Frankly, as the commissioner mentioned, access to information is why we found out about the sponsorship scandal, and why a previous Liberal government failed and did not get re-elected, because of that particular scandal and the really bad things that were happening that we found out about as a result of that information.

I am just going to read through a few quotes for the benefit of those watching today, from a few of the people who oppose the bill. It is not just Conservatives who are opposed to this, or New Democrats, although both parties are. It is groups outside this place who have spoken against it. I will first cite one particular quote by Mr. Marleau, the information commissioner from 2007-09:

For the ministries, there's no one to review what they choose not to disclose, and I think that goes against the principle of the statute.

He further stated:

They've taken the commissioner out of the loop. If you ask for these briefing notes, and you've got them and they were redacted, you had someone to appeal to. So there's no appeal. You can't even go to a court. It's one step forward, two steps back.

Again, let us let that sink in a little. Liberals give the illusion that they are moving forward on the issue, and, really, they are moving backwards. It is deliberate, because they want to cover up or have the ability to cover up some things being communicated in the Prime Minister's Office.

Again, I have another quote, this time from Vincent Gogolek, another individual speaking against this bill:

All they have to do is claim it's a cabinet document, and then with her new improved powers she still can't look at it, which is ridiculous.... So, when in doubt, call it a cabinet document. That's the big problem, and that remains untouched.

All that needs to be said about a particular document in government is that it is a cabinet document, and therefore black ink will go across it whenever it is requested. Again, it is one thing to say this about any particular government that does not make claims about being more open and accountability, but another to say it about a government that campaigned on being more open and accountable. This is what the Prime Minister's schtick was about: sunny ways and shining a light where there previously were shadows. It is simply a bait-and-switch. It is saying one thing and doing another.

I have another quote, this time by Katie Gibbs, executive director of the Evidence for Democracy Group, who said:

By excluding the ability to request information from ministers' offices and the PMO, this government falls short of meeting their campaign promise to make government 'open by default'....

Moreover, the possibility of refusing certain access to information requests on an undefined basis jeopardizes the transparency and openness of the government.

● (1540)

Once again, another person outside this place is saying that the proposed legislation is supposed to be doing one thing, but it is doing completely the other. It is causing more cover-up to be possible rather than exposing the truth.

Duff Conacher, co-founder of Democracy Watch, said that the bill proposes good amendments by requiring a more proactive publication of some information and giving the information commissioner the power to order the publication of some information, but it does nothing to fill the huge gaps in the act as was promised by the Liberals. Therefore, we need more changes to have a government which is transparent and open by default.

Let us think about the sponsorship scandal and the evidence that was being put forward, and the government just saying no, that it is not going to talk about it.

Mr. Conacher says the bill is "a step backwards in allowing government officials to deny requests for information if they think the request is frivolous or made in bad faith." Public servants should not have this authority, because "they will likely use it as a new loophole to deny the public information it has a right to know.

I will speak as chair of the access to information, privacy and ethics committee. Some of the information that was brought before committee really attempted changes based on the recommendations. It was our party's position to support the recommendations of the Information Commissioner, and there are several. It was our position to see those go through. Well, the bill was not changed. The bill has not been significantly changed, and therefore it is still a problem for us.

I was hopeful that the Liberals would take the Information Commissioner's recommendations and understand that maybe it was a flawed document initially, which they would now fix. However, that did not happen in committee, and I want Parliament and people watching today to understand that. Again, the government is saying one thing and doing another.

An article in *iPolitics* by Steve Mayer is entitled "Liberals shockingly timid on access-to-information reform". This does not sound like a government that wants to change access to information in a positive way. It sounds like it is going the other way, as I said before. However, the article reads:

We don't really know, though, because the emails that would tell the tale are in the inboxes of the prime minister's staff, and the Access to Information Act does not apply to ministerial staff...What the government has decided to do is not what Information Commissioner Suzanne Legault recommended, which is to have Access-to-information officers determine whether emails and memos from ministerial staff are political or parliamentary (in which case they would remain confidential)

The commissioner does not even have the ability to decide which is which. It is all in the hands of the Prime Minister's Office and ministers.

The article continues with:

or pertain to running a department (in which case they would be releasable). Instead of doing that — which is what they promised —

*Government Orders*

Again, this is an article talking about what the Liberals said they were going to do in Bill C-58. It continues with:

[the minister's] changes to the act would provide for the proactive disclosure of documents — briefing books and notes for question period — that until now have been released only in response to requests.

This means many useful documents will be released routinely, and it follows similar measures that Trudeau began in opposition, when he unilaterally released personal financial information and got his MPs to start posting their expenses online.

Again, the article is not criticizing him for the positive steps that he has made, but certainly the cover-up continues.

As chair of the committee, there was a hope that this would be something that the Liberals would follow through on and take the recommendations of the Information Commissioner. However, we saw quite a different story. We saw a government that would talk one game in front of the cameras and one game on the campaign trail, but when it came to making solid legislation that would expose those shadows that I had mentioned, it did the complete opposite and would give the ability for ministers to shadow even more information.

Sadly, this is what we are debating today. I hope the government does see sunnier ways and votes against Bill C-58.

• (1545)

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** Before I go to questions and comments, I want to remind the member that he cannot use the name of a member who is or is not in the House but who is a sitting member.

Questions and comments, the hon. member for Toronto—Danforth.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Madam Speaker, I really appreciated hearing the rundown and commentary about the bill, yet clearly what keeps on being flagged as I am listening to this conversation is that there is a need for greater access to information, a need to open things up. The current system clearly needed to be worked on and this is what we are doing. I see a bill before the House that addresses the very types of concerns put forth.

The fact is it is wonderful to push back and say here are all these problems, but there were some constructive changes made at committee and perhaps the member having a role on the committee would like to speak to the amendments that were made at committee to make the bill better.

**Mr. Bob Zimmer:** Madam Speaker, I do not remember the member being at committee to witness what the testimony was and what the recommendations were. We are not talking about dotting i's in certain areas and crossing t's in other areas. We are talking about substantive changes to make the shadows that exist in the bill not shadows any longer. We simply did not get that at committee.

What is a concern to most of us is similar to what the Information Commissioner Ms. Legault has been saying. At least the status quo stays the same, but what is worse is by introducing something that is worse. The changes the government is proposing to the current law are going to make it worse. Once again, a government that is supposed to shine light on the shadows is trying to build more and that is unfortunate.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Madam Speaker, I hate to say I enjoy this phenomenon that happens

in the House when the Liberals and the Conservatives stand and accuse each other of being worse at things. Here again, the Conservatives say Liberals are worse than them and the Liberals say they were terrible, but we do not get to a solution that serves Canadians.

Why is it that, no matter what political stripe, Liberal or Conservative, governments have found it so easy not to adopt the very obvious recommendations that we need so Canadians can get access to information in a timely manner?

• (1550)

**Mr. Bob Zimmer:** Madam Speaker, the member from the other party likes to watch us debate this issue, but everyone on our side says if there is something that needs to be exposed, we should absolutely expose it. We are sent here to be a democracy in this place.

As the member for Prince George—Peace River—Northern Rockies, we want to have truth exposed in this place so the taxpayers can see what we are doing. We have done that. As the member to my right has said, we are the ones who brought in disclosure of our finances as members of Parliament. That is something the Conservatives have brought to shine the light on what we do in this place and some of the Senate reforms that have come in as a result, when we were in government previously from 2011-15.

There is a lot of talk about what we did not do. I know the NDP and Liberals like to talk about that because it is popular to bash Conservatives, but when we were in government we did exactly that. We did cause greater scrutiny for ourselves and exposed to the outside what we do on a regular basis. That is what we really did.

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Madam Speaker, during the debate today, much of the commentary from the governing party side has amounted to more or less “since there has been no change to the bill in 34 years, should we not give Liberals enormous amounts of credit for stepping up and changing the bill and vote for it”. I thank the member for pointing out that sometimes a bad bill is actually worse.

Could he perhaps comment on the extraordinary amount of credit that the party seems to be seeking, while more or less asking us to give it credit for breaking its own election promise and supporting the bill?

**Mr. Bob Zimmer:** Madam Speaker, I have said that it is not doing what it is purporting to do in exposing those shadows. That is the biggest thing that let me down. I have always said in past campaigns that if it is a good idea, it is a good idea regardless of whether it comes from an NDP member, a Liberal member, or a Conservative member. If it is a good idea, it is a good idea. If there is truly this open and accountable government and we want to shine a light where it needs to be shone, I am absolutely supportive. We are deeply disappointed it did not go where the government promised it would go in Bill C-58 and that is unfortunate.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Madam Speaker, I rise in the House today to speak to Bill C-58 and, in the words of our Prime Minister, shed some light on this less-than-true statement that members opposite have been making regarding this legislation.



*Government Orders*

Let us look at the mandate letter that was given to the Minister of Finance in November 2015. The Prime Minister wrote:

We have promised Canadians a government that will bring real change – in both what we do and how we do it.

That sure has changed. The Information Commissioner has been clear: this bill sets us back decades in terms of openness and transparency. I will share more of the Information Commissioner's thoughts a bit later in my remarks.

The Prime Minister went on to write in his mandate letter to the finance minister:

I expect Canadians to hold us accountable for delivering these commitments, and I expect all ministers to do their part...

We have also committed to set a higher bar for openness and transparency in government.

There has never been a more perfect example of how the current government is all style and no substance than this one, focusing on rhetoric and platitudes more than actual substance. This has to take the cake. The Liberals love to throw around terms like “openness and transparency” when in reality they are, through this legislation, making it harder for Canadians to access information under the current government. As members know, often the debates here in the House can be tainted with partisan political positioning, so rather than sharing my thoughts on the legislation, please allow me to read into the record parts of the Information Commissioner of Canada's report, titled “Failing to Strike the Right Balance for Transparency”. The commissioner stated:

The Liberal government was elected on a platform of openness and transparency, promising to renew Canadians' trust in their government. At the beginning of its mandate, it committed to lead a review of the outdated *Access to Information Act* to enhance the openness of government.

Initial policy changes from the government, such as the elimination of all fees except the \$5 application fee, were early indicators of positive change. Like many Canadians, I was hopeful that the government would follow through on its promise and introduce significant improvements to the Act.

Just before Parliament's 2017 summer break, the government tabled Bill C-58, which amends the Access to Information Act.

In short, Bill C-58 fails to deliver.

These are the Information Commissioner's words, they are not mine. I hope that members of the Liberal government will not be disregarding the comments of an independent, non-partisan officer of Parliament.

The commissioner went on to write:

The government promised the bill would ensure the Act applies to the Prime Minister's and Ministers' Offices appropriately. It does not.

The government promised the bill would apply appropriately to administrative institutions that support Parliament and the courts. It does not.

The government promised the bill would empower the Information Commissioner to order the release of government information. It does not.

Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights.

It imposes added obligations on requesters when making a request, adds new grounds for institutions to decline to act in response to requests, reintroduces the possibility of various fees, and, for some information, replaces the right of access and independent oversight with proactive disclosure. It allows the government to decide what information Canadians can obtain, rather than letting Canadians decide for themselves.

I might add that this is the Liberal philosophy: Government knows best what is good for Canadians. It is insulting, it is elitist, and it is arrogant.

More from the Information Commissioner's report:

It also introduces an oversight model where the Commissioner is not truly empowered to order the disclosure of information, and adds burdensome stages to the investigation process that may lead to delays. It does not take advantage of any of the benefits of a true order-making model.

Recent reviews of the *Access to Information Act* from myself and the House of Commons Standing Committee on Access to Information, Privacy and Ethics...have proposed amendments that are required to modernize the Act. These recommendations have largely been ignored in Bill C-58.

So much for consultation. So much for openness and transparency. So much for sunny ways. So much for sunshine being the best disinfectant.

● (1555)

Had the changes that the Liberals are ramming through today been in effect in the early 2000s, we would never have found out about the Liberal sponsorship scandal. It makes one wonder what exactly the goal is of the current government in introducing such archaic legislation. What does it have to hide today?

The government acts as if the measures it is taking regarding proactive disclosure in this piece of legislation are somehow groundbreaking. The reality is that the majority of information was already available either online or through access to information under previous governments.

The Liberals are trying to buy off Canadians with promising to proactively disclose how much a minister's steak dinner costs, while taking away their right to request information that could be embarrassing for the government. They give the rights to departments to deny access to information requests that they find to be vexatious or made in bad faith. Who gets to make the judgment as to what is vexatious or made in bad faith? Why, the Liberal government, of course.

I have been serving in opposition for over two years now, and one does not have to look too far into the past to see how thin-skinned the Liberal government is when it comes to asking it tough questions. We can look at the finance minister as an example. For the past several weeks, we have been asking on this side of the House for the finance minister to open up and be honest with Canadians regarding his assets. What does the finance minister do? He threatens to sue members of the opposition. One has to wonder how many journalists and Canadians will be threatened similarly by the finance minister, if he thinks their access to information request is vexatious or made in bad faith.

However, enough about Liberals, let us look at our Conservative government's accomplishments regarding access to information. On November 6, 2014, our government launched the action plan on open government 2.0. The action plan specified ways that the federal government was working toward creating more open and transparent government while maximizing the sharing of government information and data.

*Government Orders*

Key accomplishments include, one, the next generation open data portal that was launched in June 2013. This new portal was built based on broad public consultations with users to define new capabilities. Enhancements were made to expand the availability of high-value data, improve data integrity, enrich the usability of the site, facilitate intuitive discovery of data, and increase user engagement.

Second was on modernization of access to information services. These online services were launched in 2013 to enable Canadians to search completed ATI requests across all federal departments through a single search interface, and to submit new access to information requests via the web.

Third, in 2013, we issued a new open government licence for all levels of government in order to remove barriers to the reuse of published government data and information, regardless of origin. This licence has also been adopted by several provincial governments and municipalities across the country.

Fourth, we introduced a new government-wide web portal at Canada.ca that improved intuitive navigation features to help Canadians find information they need more quickly and easily. The portal enables users to quickly complete tasks, features government-wide search capabilities, better use of social media, and optimizes content for mobile devices.

In February 2014, we held the largest competitive open data hackathon in Canadian history, bringing together over 900 developers, students, and open data enthusiasts from across Canada to develop over 100 innovative applications using federal data.

Our Conservative government was also promoting transparency in public institutions and supporting taxpayers and hard-working Canadians through our support for private member's Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations). This important legislation would help to ensure greater transparency and accountability for labour unions by requiring them to publish their financial disclosures online for Canadians to examine. However, we know that these changes have been reversed.

No government is better at patting itself on the back than the current Liberal government. However, it is clear that while the government has been pumping out talking points about openness and transparency, the reality is that it is taking Canada down a very dark path.

• (1600)

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, the member's last statement is just not true. The legislation would bring forward new measures that would ensure more transparency and accountability. That is not a speaking point. That is the reality of the legislation we are debating.

Many would question why the Conservatives have chosen to vote against the legislation that would provide those measures, whether it is through ministerial mandate letters, which is a new provision, or not. Under the former Stephen Harper government, there was no obligation whatsoever on him as prime minister to table mandate letters. Mandate letters are significant in the sense that they provide

Canadians as a whole with a sense of what is happening in specific departments. Empowering and enabling the commissioner to request reports is something of significance. The commissioner would actually have teeth.

Does the member really believe that this legislation would not ensure more transparency and accountability?

**Mr. Harold Albrecht:** Madam Speaker, that question is very easy to answer. Yes, I do believe that this bill would make it less possible for Canadians to access the information they want.

The mandate letters have been referred to multiple times today in the House. I would ask my colleague, what about the mandate letters on electoral reform or door-to-door delivery? I would ask about the letter to the finance minister, in which he was charged with the responsibility of not only doing what was in the law, but beyond that, to do what is perceived to be correct. The finance minister has been charged on two different occasions by the Ethics Commissioner and fined. He has paid the fine, thereby admitting his guilt on these matters. Now we also find out that there are multiple situations where the finance minister, in spite of his constant rhetoric, saying that he has worked with the Ethics Commissioner from day one, took two years to disclose the fact that he had a villa in France, and two years to disclose the fact that he had assets in a numbered company out of province when he is living in Ontario.

The finance minister's mandate letter is not worth the paper it is written on.

• (1605)

**Mr. Fin Donnelly (Port Moody—Coquitlam, NDP):** Madam Speaker, I want to talk a bit about disclosure. New Democrats do not have a problem with proactive disclosure per se, but we strongly maintain that the Access to Information Act is not an appropriate legislative vehicle for publishing information. The act should improve the ability of Canadians to request information that the government chooses not to publish.

I wonder if the hon. member could comment on information that the government chooses not to publish.

**Mr. Harold Albrecht:** Madam Speaker, I made a comment in my remarks about the fact that any department or minister can simply refuse to answer an access to information request on the basis of the request being vexatious, but there are two different criteria that allow them not to answer the request.

Again, what I think is not important. Let us listen to what Robert Marleau, who was Information Commissioner from 2007 to 2008, said. He stated, "There's no one [in government departments] to review what they choose not to [publish]..". This gets to the heart of my colleague's question. There is no one in government departments to review what they choose not to publish, which is contrary to the principle of the act. They put the commissioner out of the loop. If briefing notes were requested and parts of them had been blanked out, there was someone to appeal to before. This is no longer the case. One cannot even ask a court. It is one step forward and two steps back.

*Government Orders*

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** Madam Speaker, it is an honour to rise on Bill C-58, and to go down this path once again on how we got to where we are today. To those in the gallery and those listening at home, it probably seems like we hit pause, rewind, then play, time and again. This debate is back again, and we will hear some of the same arguments we have had time and again.

I want to refresh, for those who are in the House today, as well as those listening, how we got to this point. I believe it was day 10 of the 2015 election campaign where the member for Papineau, now our Prime Minister, made a campaign pledge that, under his leadership, the Government of Canada would become the most open and transparent government in Canadian history. A mere two years later, we have slid backwards. Now we have a bill such as Bill C-58 that not just the media, but former information commissioners are saying is a step backward, a sign of decline in this government's transparency.

It is interesting. There are some things I will discuss along the way, and what do they have in common? What they have in common is that if access to information were not available, Canadians would not have found out about these issues. The access to information process is there.

Again, I will remind the House of why we are here. We seem to always have to remind our friends across the way, the government, that the House does not belong to them or to me. The House belongs to Canadians, those who elected us to be here, to be their voices, from the 338 ridings across Canada. We are here to deliver their voices to Ottawa, not the other way around.

If Canadians have questions about what the government is doing, access to information is a tool that the opposition and the media can use to find out some of the real answers. We get talking points but not a lot of answers during question period, and access to information allows us to dig deep and find some of the answers.

I will give a few examples that we have dealt with over the last two years. About a year ago, around this time, maybe a little later in the month, there was a holiday trip taken by our Prime Minister and his family. Again, I will be on record to say that I never begrudge anyone spending time with their family and going away and enjoying time. We work very hard. However, when the taxpayers pay for it, Canadians should know how much money is being spent. There are costs incurred along the way. The only way that the real costs of the Aga Khan trip were made public was through access to information. If Bill C-58 had been in place, would Canadians have found out what the costs had been, or that our Prime Minister perhaps had some bad advice along the way? He blames others, of course. It is not ever his mistake or problem, it is others who are giving him bad advice. Therefore, access to information has protected us there.

That same year, in 2016, we found out that another cabinet minister had a preferred choice of transportation when she was back in her riding. Again, the taxpayers were on the hook for that. It was a limo, or sedan, or whatever it was called, that we were talking about.

• (1610)

How did we find that out? How did Canadians find that out? It was through access to information.

The other one that came up was the government's plan to introduce a carbon tax. Many people, including experts who are in the field, said that the carbon tax would not be revenue neutral. It would be a cash grab, and even at \$50 a tonne, it would not allow Canada to reach its target. How did we find that out? An internal departmental memo highlighted that for us.

If we listen to the talking points the ministers spew during question period, and indeed in their media scrums, everything is fine, and we should trust them, because they know what is best for us. However, when we dig deeper and have that opportunity to really look at some of the departmental information, we really get the truth.

Another one we have been dealing with over the last few weeks is the ethical conundrum the Minister of Finance finds himself in. The information that has come out is from the opposition a bit and from the public and the media that have done some digging, through access to information.

There is another one that came out. Shortly after the 2015 election, the Prime Minister was building his team and was perhaps moving some high-priced friends here to work in Ottawa. Moving here from Toronto, the GTA, would appear to be fairly expensive, because I believe the costs were in the hundreds of thousands of dollars for a couple of staff members. After that information came out and was made public, I think most members in the House, and perhaps the people in the gallery, will remember that some of those dollars were paid back, because the Liberals said they erred in their ways, or perhaps, as the finance minister has said in terms of some of his challenges, it was an administrative error.

I am going to use a very recent issue that has come to light. The Minister of National Revenue has denied, a lot, over the last couple of weeks that there have been changes to the diabetic tax credit, despite all the letters and the meetings we have had with constituents. On this side of the House, I believe all of the opposition is on the same page with this one. Diabetics right across Canada are having challenges getting their tax credit. However, despite this revenue minister standing up, banging her fist on the table, and vehemently denying that there has been any change, guess what? Through an access to information request, we have now found out that indeed a memo has gone out. Not only has it gone out within her department, it has gone out to other departments, letting them know that there were indeed some challenges and that this tax credit has changed.

*Government Orders*

If Bill C-58 was in place today, we would not know about those ideas and issues I just brought up. It would be great for the Prime Minister, his cabinet, and his team, because they would not have such long-looking faces on the backbench. It is not sunny ways across the way anymore. It is cloudy ways right across the front bench. The poor backbench and the parliamentary secretaries are having to come in and answer all the questions for the ministers. I think some of those parliamentary secretaries, not all of them, are really earning their keep, because they are having to answer these questions for these ministers who keep making these ethical mistakes. Only through access to information are Canadians really finding out about them.

For those who are tuning in, Bill C-58 is not really about opening up and being more open and transparent. As a matter of fact, it is a step backward. When the Prime Minister was campaigning, he said that his government would be the most open and transparent government in Canadian history. Let us pump the brakes a little on that, because once he got in, once he had 39% of Canadians' votes, he changed that.

●(1615)

He said he was just kidding. He did not really expect to get in. They could not have Canadians knowing what they are doing or what their ministers are doing and that they are not going to have access to that.

Maybe they have made some amendments to Bill C-58 that are good, but they are failing Canadians on their biggest promise, which was to make the government more open and transparent, including the Prime Minister's Office and the cabinet ministers' offices. As it sits today, if Bill C-58 passed, the minister of a department could decide that a request was vexatious and frivolous. A minister could see that a media outlet or a member of Parliament or an opposition member had signed numerous access to information requests and could decide that perhaps he or she was unfairly targeting that department, so that minister would deny them.

That is unacceptable, because we are not here for ourselves. We are here for the Canadians who elected us. They are the electors in my riding of Cariboo—Prince George. I feel so fortunate to be here, and hopefully we have made them proud as we stand up every day and fight. We fight hard in delivering the voice of the Cariboo to Ottawa, not the other way around. I know that my constituents want us to make sure that we are fighting all the time, that we are holding the government accountable, and that it cannot do the unethical things it has done to this point.

The Liberals want to rush Bill C-58 in. I am sure that as we move forward, this is really a stopgap. I remind members that for the first time in Canadian history, we have a Prime Minister under investigation. We have a finance minister who has two investigations. I think there could be more coming down the wire.

Despite their standing up, hand on heart, saying that the finance minister has followed the letter of the law and what the Ethics Commissioner told him right from day one, we know that it is not true. I have not been up in question period very much on this. That is the job of other members of our team. If they had followed the Ethics Commissioner's rules, would the finance minister have two investigations going? Would he have been fined any money? Would

he have been told, "You made a mistake"? He blamed it on an administrative error, saying, "Oops, I forgot my French villa." I do not know about other people here, but if I had a French villa, I would not have forgotten about it.

That brings me to another point. When members of Parliament are elected, we all are held to a higher account. We all have to go through the same process. For the most part, that is right. In the mandate letters, the Prime Minister tasked his ministers to go above and beyond to withstand even the closest scrutiny. We all have to go through the steps and declare our assets and do what we have to do to satisfy the Ethics Commissioner's rules and guidelines. They are absolutely right about that, but ministers of the crown are actually held to a higher standard, especially those like the finance minister, which is perhaps one of the most powerful positions in Canada. It can influence markets through the policies the finance minister introduces. The Liberals say that he followed the letter of the law and always worked with the Ethics Commissioner. I think there is a bit of funny business going on, because if the minister had done that from day one, the Ethics Commissioner would not say that something does not smell right here and fine him. She only fined him a small amount, but she still fined him.

●(1620)

Essentially, he was found guilty, because he was fined for some form of unethical transgression—

**An hon. member:** Did he pay the fine?

**Mr. Todd Doherty:** We are not sure if he paid the fine.

The Liberals always blame the governments that have come before them for all the issues they have. They claim that the Conservatives did this or that or that the NDP is just as bad. They are always blaming people. They never take full responsibility. The other thing they say is to trust them.

Members may remember last spring when the Minister of Justice was in Toronto meeting with some high-priced lawyers. There was a bit of a conundrum there. There were questions about whether she was there as a member of Parliament or there as the Minister of Justice who was looking to make some appointments. It was a pay-to-play event. The minister had to come before us. I do not think we got an apology.

My grandmother used to say if it looks like a duck, smells like a duck, and quacks like a duck, it is probably a duck.

There are some things we have seen over the last two years with the Liberal government that are just odd. Arrogance is one. We have a millionaire Prime Minister. I do not know whether our finance minister is a millionaire, a multi-millionaire, or a billionaire. Both are embroiled in some ethical scandals. That they sit there smugly is disappointing.

*Government Orders*

I know that there are good people on each side of the House. There are government members on the backbenches. When those two were up and the questions were going on, and it came up that the finance minister's father even sold shares at one point days before some legislation was tabled, we could see the members' faces. Oh no, not again. The reason Bill C-58 is so important and why the Liberals are rushing it is so Canadians cannot find that out. The government wants to shut it down. They want to pick and choose what Canadians see and hear. That is disappointing.

I am a first-term member of Parliament, and I have enjoyed every minute of my time here. There are great people on all sides of the House. One learns a lot from every member of Parliament. I really believe that members on the front bench of the government, cabinet members, have let the backbench down. They are the leaders within that caucus. We just heard one minister today make some terrible comments to some thalidomide victims. Time and again we see these missteps.

During the campaign, the Liberals said they were ready. They made promises. Let us talk about the one big promise they made. They said they were going to have only a \$10-billion deficit. Where are we now with that? It is gone. It went right out the window. Does anyone remember their promise about electoral reform? That is another promise that is gone.

I have 29 seconds to go. I know I am going to get some great questions, because members opposite have been listening to me intently. I am ready for them.

Bill C-58 is not open and transparent. It is not sunny ways. It is cloudy ways. The cabinet and the Prime Minister are doing everything they can to slide back into a decade of darkness. They do not want Canadians to have the information they deserve.

• (1625)

**Mr. Andy Fillmore (Parliamentary Secretary to the Minister of Democratic Institutions, Lib.):** Madam Speaker, I am puzzled by the discussion of the member for Cariboo—Prince George and that of his colleagues on the opposition benches today about bad legislation. We are here today to talk about great legislation. We are tabling great legislation that is wonderful for all Canadians.

However, while we are on the topic of bad legislation, perhaps my friend could tell us why the Conservative Party was able to pass over 250 pieces of legislation in a 10-year period, but somehow never got around to its 2006 campaign promise to address deficiencies in the Access to Information Act. Did the Conservatives run out of time perhaps or was it number 300 on their list of priorities? Maybe the member could explain his displeasure with the fact that we are finally getting around to a Conservative campaign promise.

**Mr. Todd Doherty:** Madam Speaker, that is what I love about Liberals. The arrogance gets the best of them. What did I say in my speech? I said that the Liberals' argument was that the Conservatives did not get around to it, that the Conservatives did this or did not do that. That is exactly what they are doing now.

We are not here to talk about what we did and did not do. We are here to talk about the current government. The Liberals lied to Canadians during their election campaign. At the time, the member for Papineau campaigned on day 10 and said that his government

would be the most open and transparent government in Canadian history. He lied.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** I would remind the member that pointing out that somebody is lying is not parliamentary language. Nor is it acceptable.

**Mr. Todd Doherty:** You are absolutely right, Madam Speaker. I should not have said he lied. Perhaps I should have said he misled Canadians.

• (1630)

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Madam Speaker, having heard the previous Liberal question about this great bill, I will ask the member about four snappy quotes.

The first is, “The proposed reforms are just not good enough,” which was said by Toby Mendel, the executive director of the Centre for Law and Democracy.

The second is, “The bill take a step backwards”, which was said by Duff Conacher, co-founder of Democracy Watch.

The third is, “Bill C-58 would actually make the Access to Information Act more difficult to use”, which was said by Mark Weiler, a distinguished librarian at Wilfrid Laurier University.

Finally, Bill C-58 “would result in a regression of existing rights.” Who said that? The Information Commissioner.

In the hon. member's somewhat broad-ranging remarks, he expressed his discontent with the bill. However, the Conservatives did nothing in 10 years in power and did not even introduce any amendments at committee. Have you no faith at all in the Liberals' ability to accept amendments, or are you reverting back to your pattern of not acting on this?

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** I would remind the member for Esquimalt—Saanich—Sooke to address the question through the Chair. I am sure he was not directing that question to the Chair.

The hon. member for Cariboo—Prince George.

**Mr. Todd Doherty:** Madam Speaker, I thought we were doing so well with the NDP and the Conservatives pointing fingers squarely where they should be, which is across the way. We are stronger when we work together, and my hon. colleague should know that. I have the utmost respect for him, and he knows that.

I was not part of the previous Parliament, so far be it for me to stand here, make excuses, and talk of what was done and what was not. I do not sit on the committee that deals with this. However, from the experience I have had, whether it was the fisheries committee, the natural resources committee, or the indigenous affairs committee, when Liberals ask us to trust them and get it to committee, it is hear no evil, see no evil, speak no evil. They do not listen. The Liberals know best, apparently. They do not listen to people or the quotes that my hon. colleague read, including the one by the Information Commissioner. They do not want to listen to Canadians who say this is wrong. They definitely do not want to listen to the opposition.

*Government Orders*

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, it is somewhat nice to see a bit of division between the unholy alliance at times. I listen to Conservative after Conservative speak. I think the Conservatives have their collective head in the sand here. They do not recognize a good thing when they actually see it. They are not in touch with what Canadians think on the issue of transparency and accountability, and I invite the member across the way to run some of these thoughts by his constituents. For example, how many of his constituents would oppose giving more power to the commissioner? How many of his constituents would oppose proactive disclosure?

I know the Conservative Party has reluctance on it, but at least when the Prime Minister was leader of the third party and when we first talked about proactive disclosure, it only took a couple of months for the Conservatives' lightbulb to turn on and say that it was a good idea. They ended up supporting it.

We do not have to wait two months; this is a good idea. I would suggest the member vote in favour of the legislation. His constituents would be proud.

**Mr. Todd Doherty:** Madam Speaker, first, I would invite my hon. colleague to visit my riding. My constituents are quite disappointed in the Liberal government. They know full well that Bill C-58 is under the guise of ensuring the Liberal government, the Prime Minister, and his cabinet are not going to be open and transparent with Canadians.

There are some things that Bill C-58 captures, but the Liberals can already do that. They do not need Bill C-58 for those.

Bill C-58 is a present wrapped up with a shiny bow and all that stuff. The sole purpose of it is to ensure the ministers and the Prime Minister have a say in what is made public. That is it.

For the hon. colleague to stand, which he does every day and I welcome his comments, and say that this is more open and transparent and that my constituents would be very happy with it, I welcome him to come to my riding and we will meet with the constituents one on one.

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Madam Speaker, the member mentioned a good point. He talked about how the Liberal government had made much about this supposedly higher bar, about avoiding even the appearance of conflict of interest, about structuring affairs to bear the closest public scrutiny, and about ensuring that at all times it was held to the highest account. However, when caught, it always revert to the lowest bar possible and a denial that any rule has been broken.

Could the member comment on the hypocrisy between—

• (1635)

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** A brief answer from the member for Cariboo—Prince George.

**Mr. Todd Doherty:** Madam Speaker, in fact, in the Liberals' campaign document, the second page states, "Together, we can restore a sense of trust in our democracy. Greater openness and transparency are fundamental to accomplishing this." The next paragraph goes on to say, "Our objective is nothing less than making transparency a fundamental principle across the Government of

Canada." What a farce. As soon as the Liberals were elected, they said, "Just kidding" and it did not happen.

Bill C-58 definitely should go back and be rethought. All the Liberals are doing is shutting down debate and the information Canadians deserve.

[*Translation*]

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Banff—Airdrie, Taxation; the hon. member for Timmins—James Bay, Indigenous Affairs; the hon. member for Saanich—Gulf Islands, Natural Resources.

[*English*]

**Ms. Linda Duncan (Edmonton Strathcona, NDP):** Madam Speaker, it is always a pleasure to be in the House when you are presiding.

I participated in the debate at second reading, hopeful that for once the government would be open to amendments. As I recall, the President of the Treasury Board promised they would be open to amendments. Regrettably, every amendment tabled by my colleague was rejected.

Why is that important? As the representative for the Conservative Party stated, great promises were made by the Liberals when they ran for office, a new world of openness and transparency and sunshine. What are they offering? Like many of the bills they have brought forward, they tell us not to worry, that they have not made those changes they promised, that in five years when we review the bill again, they will think about whether they will bring those forward. It is getting very tiresome.

It is time for the government to deliver on its promises and on requests by Canadians, by experts, and by its own commissioners to open access to information.

I have shared in the House that in my 40-plus years as an environmental advocate, I championed the cause for the rights of citizens to have a voice in environmental decision-making. Critical to that is having the opportunity to participate in the review of standards and the review of projects, policy, and trade deals. For the public to constructively participate, it is very critical they have ready access to information. The government has failed on that.

The Liberals have said that they will have a proactive disclosure, but then it is up to the government to decide what the public will receive. Yes, it would be nice if the government were more open with access to information, but let me give a concrete example of where it has abjectly failed to deliver on this promise.

We are in the middle of negotiations on a "modernized" NAFTA. Very late in the day, the government suddenly remembered it would have strong provisions for environment in any NAFTA deal, yet there is no environmental adviser to the foreign affairs minister who is negotiating the deal. To her credit, she has industry representatives and representatives from labour, but no representative with environmental expertise.

*Government Orders*

Very late in the day, at the eleventh hour, the environment minister established an advisory committee. We have no idea what role it is playing, whether its ideas are passed on to the negotiation table. We have no idea whatsoever what the government is proposing for environmental provisions in the NAFTA deal, unlike the Americans. We can criticize the Americans as much as want, but they tabled and made publicly available all the provisions they were intending to seek for environment in a negotiated trade deal. So much for openness and transparency.

Nothing in Bill C-58 will improve that, because the government has made its own decision that it will not disclose that information in advance to the public. To make matters worse, the Liberals issued a call for public comments on a revised NAFTA, when we did not even know what a revised NAFTA would say. I do not know what the outcome of the consultations were but I heard from a lot of Canadians who asked how they could comment on a trade deal when they did not even know what it would include. The Liberal Party's idea about open access to information and timeliness is a bit of Russian roulette.

Why is it important for Canadians to have access to information? From my perspective, as the environment and climate change critic and as an advocate for environmental rights for over 40 years, these are the kinds of things the public wants. They want to know in advance, before they are consulted, if they are consulted, what the planned routes are for pipelines. They want to know the locations of chemical plants before they are approved. They want information on the potential or known impacts of toxins on their health. That request was made very strongly by very many people who testified before our parliamentary committee.

● (1640)

The government has been in power now for over two years. What was one of the Liberals' big election promises? They promised they would immediately restore all federal environmental laws. Well, there is nothing stopping them from tabling today or tomorrow a revised Canadian Environmental Protection Act to extend these kinds of rights. We had a review by our committee with all kinds of recommendations to amend the act, but there has still been no action, and we will not hold our breath for a response.

We want to know about the safety of consumer products before they are made available for sale. Again, it is a specific request made by experts to our parliamentary committee. We are still waiting for action to make that information available. It is a vacuous offer to increase and improve access to information when, in fact, the Liberals bring forward a bill that provides very little.

As my colleague did, I will also share from the Information Commissioner's report on Bill C-58 entitled "Failing to Strike the Right Balance for Transparency", which reads:

In short, Bill C-58 fails to deliver.

The government promised the bill would ensure the Act applies to the Prime Minister's and Ministers' Offices appropriately. It does not.

The government promised the bill would apply appropriately to administrative institutions that support Parliament and the courts. It does not.

The government promised the bill would empower the Information Commissioner to order the release of government information. It does not.

Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights.

That is from the report of the Information Commissioner, and it is a scathing review, yet members of the government stand and defend the bill they have brought forward.

The bill could have been strengthened if the government finally delivered on the undertaking in this place by the President of the Treasury Board that he would welcome amendments to strengthen the bill, and yet the government refused every single amendment brought forward by my colleagues. This is not open and constructive government. It is not listening to experts. It is not listening to its own commissioners. It is not listening to the public.

**Mr. David Tilson:** Madam Speaker, on a point of order, the member is giving an interesting speech, but I do not think there is quorum.

**The Assistant Deputy Speaker (Mrs. Carol Hughes):** We do have quorum now.

The hon. member for Edmonton Strathcona.

● (1645)

**Ms. Linda Duncan:** Madam Speaker, I thank my colleague from the Conservative Party for getting a few more members to join us to hear my recommendations to strengthen the bill before us. Of course, we do not mention names in this place, but it is nice, and I can feel the room warming up already.

Where have the Liberals failed?

Well, there is no duty to document decision-making processes. The bill would allow information to be labelled as cabinet briefings to deny access. It would introduce yet more exceptions. It fails to require a harm test, which is a specific recommendation made by the parliamentary committee. It fails to prescribe in law an explicit public interest override, another recommendation by the parliamentary committee.

The Liberals are not willing to listen to the recommendations at committee. They are not willing to listen to the amendments brought forward. It really begs the question of why we work so hard in this place, why we diligently go through the bills, have witnesses come in, and make recommendations to strengthen the bills before us, because the government simply dispenses with them.

Therefore, it is with great sadness that, yet again, we have legislation tabled in this place that breaks an election promise. The Liberals have not provided sunshine and greater access to information for the public. They have not included what is most important of all. They say they are going to provide for proactive disclosure, but the best way to do that is to include provisions for whistle-blower protection. They have not done that, and so have put a cork in the mouths of their officers, who would otherwise readily disclose information to the public.

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, obviously, I do not share the opinions of the member opposite. We made a commitment, and that commitment will be realized by the eventual passage of this legislation.

*Government Orders*

There is no question that the legislation includes measures that will allow for more accountability and transparency. When the member quotes individuals, I believe the quotes she cites date from before the amendments were made. Yes, there were no NDP amendments accepted, and the Conservatives did not offer any amendments, but the government does more than just listen to New Democrats and Conservatives. There are other stakeholders, and there were many amendments made to the legislation. Could the member tell us whether those quotes she just listed were before or after the amendments were made?

**Ms. Linda Duncan:** Madam Speaker, there were no amendments made, so I have a hard time responding to the question. The hon. member says we did not list other people. How about Duff Conacher, the founder of Democracy Watch? How about Mark Weiler, web and user experience librarian? How about Katie Gibbs, executive director of Evidence for Democracy? They also gave scathing reviews of the bill.

If the government is not even willing to listen to the testimony of its Access to Information Commissioner, who is it willing to listen to? The Liberals made a big promise. They broke the promise. The President of the Treasury Board promised that he would be open to amendments and he rejected them all.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Madam Speaker, many times in the House today we have heard increased rhetoric about more accountability, often referencing the mandate letters. I had an opportunity on a number of occasions to refer to the Minister of Finance's mandate letter, dated November 12, 2015. The very first bullet point of the letter the Prime Minister delivered to the finance minister says, "In particular, I will expect you to work with your colleagues and through established legislative, regulatory, and Cabinet processes, including our first Budget, to deliver on your top priorities:"

The very first priority was to "Ensure that our fiscal plan is sustainable by meeting our fiscal anchors of balancing the budget in 2019/20 and continuing to reduce the federal debt-to-GDP ratio throughout our mandate."

Balancing the budget in 2019-20 is a clear promise of the Liberal platform. It is clearly outlined in this mandate letter, yet we have often heard today how great these mandate letters have been. I wonder if my colleague would agree the mandate letters do not seem to be worth the paper they are written on.

• (1650)

**Ms. Linda Duncan:** Madam Speaker, not speaking to the specific provision the member read from, I do recall that every single mandate letter stated that every member of cabinet would be accountable for greater openness and transparency and consultation with the public. I used to be on the transport committee. Now I am on the environment and sustainable development committee. It is the same requirement for both ministers. The government, because it has delivered a poor bill before us, is simply not delivering on that overall promise for greater sunshine in access to information.

**Mr. Kevin Lamoureux:** Madam Speaker, just to seek clarification, does the member opposite believe there were absolutely no amendments brought forward to the legislation?

**Ms. Linda Duncan:** Madam Speaker, I do know they accepted one from another party, and it is my understanding that they rejected every single one from my party.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** Madam Speaker, I am going to speak to Bill C-58. Prior to its tabling, it offered a lot of promise to Canadians, who have been concerned for a long time about the access to information regime in Canada.

Unfortunately, I do not think my remarks will differ from those I made early on in the debate about Bill C-58 before it went to committee, because not a lot has changed substantially about the bill. We are still largely confronted with the same issues as when the bill was originally tabled.

The main point is a sense of lost opportunity. That is clear, not just to members of the NDP caucus, but to a lot stakeholders who have criticized the bill, as well as the stakeholders within the access to information community who testified at the access to information committee during what was a long and thorough study of Canada's access to information laws.

There have not been any real changes to the Access to Information Act since it was first brought introduced in 1983. I am sure that members of the House will appreciate that the way government does business has changed radically since 1983. If we think of the technologies that were available in 1983 versus the technologies available now, and the way those have become part and parcel of the way that government conducts its business, it is clear that reform of the access to information laws is necessary.

With changes being proposed to the laws, there was a great opportunity to address a number of problems. What were some of those problems? One of the important problems in my view is that cabinet ministers can say that whatever information is being requested falls under the purview of cabinet confidence. If it said to be advice to a minister, it cannot be touched. Fine, I think there is a legitimate space for some advice to ministers to be protected, except there is no ability for anyone, including the Information Commissioner, to assess whether that information has been denied properly, under the rubric of advice to ministers, or whether ministers were just making it up or saying that it was advice to ministers when in fact it was not really advice to ministers.

Canadians must have confidence in the access to information system to know that when they are being told that something is advice to a minister and cannot be shared because it would hurt the public interest, this is true. I do not think we are in a situation in which Canadians have that confidence. I do not think Canadians had that kind of confidence in the last government, that is for sure, and I do not think Canadians have that kind of confidence in the current government.

Let us consider one of the important themes in question period for months now, indeed throughout the fall. It is about whether or not the Canada Revenue Agency made a deliberate decision to change its interpretation of a policy in order to deny the disability tax credit to people with diabetes. It turns out, as we found out this week, that in fact there was a memo circulated within the CRA back in May of this year that said very clearly that CRA staff who were evaluating those applications ought to err on the side of denying those applications, regardless of the advice of a physician or a nurse.



*Government Orders*

What has the minister said in the House? The minister has denied that a decision was made to this very day, despite the evidence that a decision was indeed made. What confidence can Canadians have in a system that might have allowed that minister to say that the memo was covered by a cabinet confidence? If she had invoked the exclusion, and I do not want to give them ideas, that would assume that the memo came through the access to information process. I am not sure that one did.

The point is that had someone made an access to information request and the minister's office had decided to call the memo an excluded document because it was advice to the minister or something else, no one would have been able to circle back and evaluate whether that was true or not. I think it is pretty clear that a memo to employees is not advice to a minister.

However, the point is that the Information Commissioner would not have been able to circle back, look at that document, and make an assessment as to whether or not that exclusion was rightfully applied. Canadians would still be in the dark about that very clear decision by the CRA to change the way it interprets its own policy.

• (1655)

While it is true for the minister to say that the policy on paper has not changed, it is misleading. Clearly, there was a directive given on how to interpret that same policy that radically changed the balance of acceptance and denial with respect to people with diabetes who are applying for that tax credit. That is the kind of thing that Canadians want to have access to and demonstrates why Canadians would want to know. Canadians want to know as it has a real and material effect for people who are living with diabetes, on their taxes, and what comes back to them from their tax return.

People also want to know because that document contradicts what the minister has been saying. They want to have that evidence and be able to follow through, to see if what the minister says is true and borne out within departmental directives.

One of the important things coming out of the study on access to information was the idea that an independent third party needs to verify a minister's use of that exclusion. Otherwise, it just becomes a huge blanket by which ministers can snuff out all sorts of information that would be politically inconvenient for them but important for Canadians to know and assess the government's performance. That is one of the ways that this legislation has failed.

Another obvious failure is with respect to the black and white commitment by the Liberal Party in the last election to have this apply to the PMO and ministers' offices. We did not make that up. It is not a partisan statement. That was a real commitment. It was part and parcel of the Prime Minister's own private member's legislation in the last Parliament. However, that is not in this legislation or something they chose to do.

Whether we think it is a good idea to have those things apply to the PMO or the ministers' offices, it was a very clear commitment of the Liberal Party that they would do so. The question is why is it not borne out in the legislation? They created a real mandate for openness and transparency and have the backing of Canadians, to the extent that they want the government to be more open and transparent.

They could have done a lot of things to help Canada be a model for openness and transparency. The problem is that is not what Bill C-58 delivers. It does not deliver that because it does not address serious problems that have come out of other jurisdictions.

It was in the news for some time that B.C. had an issue with documentation of government decisions that could be accessed through access to information. Government staff, and particularly political staff, responded by simply not documenting the outcomes of important meetings where decisions were made. That rightly created quite a stir. It was, and continues to be, a strong recommendation of the information commissioner that a legal duty to document needs to be established so that the political staff of ministers cannot get around accountability by not writing down the substance of important decisions made in private meetings. Eventually, it would be accessible under access to information. The government has not done that, and it is disappointing.

I do not want to sound naive or silly. When I first became a member of this House I was a member of the access to information committee and we had the President of the Treasury Board come a number of times. He repeated that one of the things he was looking forward to doing and glad that he had a mandate to do, was to change Canada's access to information laws. That was a real priority for him. He gave timelines, which he ignored.

Bill C-58 came much later than originally promised. When it did finally come, it did not honour what critics and stakeholders said we needed as an ideal access to information regime in Canada or the Liberals' own concrete, black and white election commitments. If that is what it means to be a priority of the Liberal government, Canadians should think twice about being on their priority list. There is a lot of other stuff being done that was promised in the last election. Those things are being done and this is not.

• (1700)

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):**

Madam Speaker, I am somewhat hopeful that I might have a better chance of getting a response from my colleague from Winnipeg.

Many of the quotes that the New Democrats are using in their speaking lines are quotes that are actually from before the amendments were made, and there were a number of amendments made to the legislation that we are debating today. I was just looking for confirmation as to whether the NDP had the opportunity to update its speaking notes given the changes to the legislation.

*Government Orders*

Second, and what is important here, is in regard to the whole issue of proactive disclosure. What we see here is more proactive disclosure, whether it is ministers, the Prime Minister's Office, or departments. We are seeing a more empowered commissioner who would actually be able to request reports and get the reports. This is legislation that would ensure more transparency and accountability, as opposed to what the unholy alliance from across the way is saying. I wonder if the member across the way would at least acknowledge that with those changes there would be more accountability.

**Mr. Daniel Blaikie:** Madam Speaker, I do not think proactive disclosure by ministers who decide what to proactively disclose, without any independent oversight or input from Canadians, is more accountability.

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** Madam Speaker, I would like to ask my colleague from Winnipeg a very simple question. He alluded to it during his remarks of just a few moments ago. It seems that Canadians have been misled in the intentions of the Liberal government with its stated purpose of improving access to information when in fact, what we know now about the details of Bill C-58 demonstrates quite clearly that it is more difficult right now for the average Canadian to access information from the current government. I would like to hear my colleague expound a bit about why he thinks that is and what might be done to try to improve this badly flawed bill.

**Mr. Daniel Blaikie:** Madam Speaker, maybe I will come back to this point about proactive disclosure because this is the sleight of hand that the government is trying to use. The Liberals are trying to say that Canadians are going to have more information because now the government is going to have proactive disclosure by ministers. Of course, the access to information regime is not about ministers deciding what they want to share with the public. Ministers have always been free to share that. In fact, they do not need to change the law to allow for proactive disclosure. Listening to the Liberals, one would think that somehow ministers have been prohibited from sharing any information they liked with the Canadian public up to now and thank God we have a Liberal government that is going to let ministers share their own information with the Canadian public as if that is what is needed, when it is clearly not.

Therefore, this whole thing is just a really rinky-dink talking point to try to cover over the fact that very clear commitments were made about improving the access to information regime before the election by the Liberals and after the election. They are trying to pretend that somehow ministers were being gagged by anyone other than maybe the PMO, although it is not like this would allow ministers to release information that the PMO does not want released because presumably the PMO is going to have something to say about what information those ministers release. If they somehow were protecting ministers from the oversight of the PMO in terms of the information they want to release, that might get to be an interesting legislative fix, but of course, that is not what it is.

Therefore, the Liberals' whole centrepiece of this legislation is proactive disclosure. It is a solution to a problem that did not exist and they want to talk about that instead of talking about the commitments that they did want to talk about just two years ago when they were running to be government, criticizing the previous government for its culture. We have heard critics of the bill who

were involved in the access to information community say that actually this would make things worse. Now we have an access to information bill passed in 1983, the year before I was born, people calling for change because they want to make it better, and we have a bill that is actually going to make it worse.

We have a 30-year-old bill that needed to be changed, not for the worse but for the better, and now we are passing up that opportunity, for reasons unknown. This whole talk about proactive disclosure, as if somehow that is a substitute for meaningful reform, is just ridiculous.

● (1705)

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** Madam Speaker, I will be splitting my time with my good friend and colleague from Edmonton West.

All through today's debate, I kept reflecting on an old proverb that we have all heard many times before, that the road to hell is paved with good intentions. The government at one point in time actually had some good intentions about reforming the Access to Information Act. At one time, the Liberals might have been genuine when they said they wanted to improve the Access to Information Act, but somewhere along the line on that road, something went terribly wrong because the bill we have before us now, Bill C-58, is far more regressive and prohibitive to Canadians seeking to access the government's information than any access to information bill before its time.

I should say at the outset that I believe that over the last 34 years, ATIPs have proven to be extremely helpful to Canadians. Clearly they have been helpful to politicians who are trying to find out more information about the government of the day, particularly opposition politicians. These access to information requests have also been extremely helpful to journalists, because we have seen over the last number of years journalists break stories about some unethical action of the government of the day. Has that improved the ability of Canadians to learn more about their government? It certainly has.

Now Bill C-58 tends to want to reverse some of the strides that may have been made over the past several years. One of those strides was made by our government, when we were in power, to reduce the amount of money it cost the average Canadian to file an access to information request. We reduced that to \$5, meaning that any Canadian who wanted to get more information about a government department could fill out a form and with only a \$5 fee, receive an answer from the government department they were querying. That was a good thing and one of the things that helped Canadians become more comfortable with their own government.

*Government Orders*

However, ATIPs have been invaluable not just to Canadians, to politicians, and to journalists, but also to society as a whole because they have allowed Canadians to learn more about their government in a fashion that gives them confidence in the government of the day. We know of many ATIPs that have been successful and have been newsworthy. The one that most Canadians recall was the sponsorship scandal. It is ironic that we are debating Bill C-58 today, because the sponsor of the bill was, in the early 2000s, a minister in the Liberal cabinet, I believe as minister of public works, who day after day during question period had to stand and defend his government against opposition attacks as we found out more information from the Gomery commission and its investigation.

I recall vividly, as some of my colleague will too, the minister of the then public works department standing and saying in response to opposition questions, "Let Justice Gomery do his work." That was his standard talking point. He would not answer any direct questions. He would simply say let Justice Gomery do his work. At the end of the day, Justice Gomery did fine work because he exposed the ethical shortcomings of the Liberal government of the day. He exposed the rampant corruption within that government and, frankly, the stench of that corruption stays with me today because I recall how the government abused the trust of the Canadian people when it came to the sponsorship scandal, particularly how Liberal ministers ignored the very fact that their own party operatives were charging for work that was never done and pocketing the money themselves, to benefit themselves financially.

How did we find out about that corruption? It was through an ATIP, through one reporter, Daniel Leblanc, who studiously examined what he thought was a corrupt system in the Quebec government of the day and started asking questions.

• (1710)

Finally, his request for information was answered. That was the start of the sponsorship scandal.

The point I make today is simply this. If the changes proposed by the government on Bill C-58 are enacted, reporters like Daniel Leblanc and others who expose such clear wrongdoing by the government would be the unable to access that information. That is simply wrong. That should never be allowed to happen. Any government, whether it be a Liberal government, a Conservative government, a New Democratic government, or any government in this country, should not be allowed to deny access to Canadians about information of their government.

We all know that governments are a servant of the people. We serve the public. We are supposed to be serving the public's interest. The public's interest in this case will be denied simply because we have a government that is embarrassed about some of its previous ethical lapses and frankly wants to cover them up. I can only point to the most recent example of what might happen if Bill C-58 is passed in its current form, and that is with the most ethical transgressions by the Minister of Finance.

We know now, thanks to an ATIP from reporters at *The Globe and Mail*, what the current Minister of Finance was hiding from Canadians and from the Ethics Commissioner. We know now, thanks to an ATIP, that the current Minister of Finance had a villa in France that he did not disclose to the Ethics Commissioner for two years, a

villa that we can only assume is worth in the millions of dollars because of its locale in one of the wealthier regions of southern France.

We know now, because of an ATIP, that the same Minister of Finance had a numbered company in Alberta that was not disclosed to the Ethics Commissioner. It contained approximately \$20 million in shares in a company called Morneau Shepell, which the Minister of Finance formerly used to run, a family-founded, family-run, very successful company, that had obvious direct ties to the Minister of Finance. We know that now, because reporters, journalists, requested access to information that uncovered those ethical transgressions.

If Bill C-58 is adopted, those opportunities will be lost. That should not be allowed to happen. Governments must be accountable for their actions. Governments must be accountable to the public. One of the ways to ensure that it is accountable is by allowing the public, whether it be opposition politicians, journalists, or advocacy groups, to gain information from their government without fear of retribution and without fear of censorship.

Bill C-58 is so desperately flawed that Canadians who have been examining this legislation and listening to this debate must feel that they have no more confidence in the government. In fact, what Bill C-58 does is to make information unavailable to Canadians should the government determine that it does not want to release what it considers to be sensitive information. That is right. It is not up to the government to release information upon request. The government feels that it is within its purview to deny information if it feels it might embarrass them, if it feels that the information is not in its best political interest. That is not only shameful, it is offensive, and should not be allowed to happen.

I know that my comments are falling on deaf ears when it comes to speaking to members opposite, but I beseech them to reconsider this flawed bill, take it back to the starting board, and if it truly wants to make access to information a reality, redraft and redraw this bill.

• (1715)

**Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, I do not necessarily need a lecture from the member opposite on the importance of access to information. I sat in opposition for over 20 years. I can appreciate the importance of access to information. This bill will in fact ensure that opposition members, along with other Canadians, news agencies, and so forth, will have more tools to get more information. They will not have to request as much information, because some of it will be proactively released.

*Government Orders*

I thought it was interesting that the member opposite talked about the Minister of Finance and misinformation. The Conservatives continuously attempt to say that. They talk about a villa. What they are really talking about is a house. There is a house in France, but I guess “villa” sounds better. The Conservatives want to put that kind of a spin on it. They say that it was not declared, which is not true. It was declared. That is the truth. It was declared weeks after the election, not two years later. He is reading from speaking notes, but he needs to understand that the reality is different than the Conservatives' spin on the issue. Access to information should not be used to foster misinformation, which is what we are seeing in some of these speeches. My question is why?

**Mr. Tom Lukiwski:** Madam Speaker, once again, the parliamentary secretary to the government House leader is trying to defend the indefensible. The reality is that contained in Bill C-58 is a provision that states the government determines whether or not it will give answers to an access to information request, and in what form. If the government feels that the request is either vexatious, frivolous, or made in bad faith, it does not have to answer. If it does answer, it can redact as much of the information that it feels is necessary. That is not true access to information, that is censorship. The member opposite knows it, and his government knows it. Shame on them for bringing forth a bill that is so regressive that most Canadians, should they understand the content of this bill, would rebel. I again ask the Liberals to do what is right for once in their lives, and to bring this bill back to the drawing board and redraft it. It needs a complete rework and overhaul.

**Mr. Erin Weir (Regina—Lewvan, NDP):** Madam Speaker, the member for Moose Jaw—Lake Centre—Lanigan and I worked together on the government operations committee to put together a report on whistle-blower protection in the federal public service. We heard harrowing stories about public servants enduring hardships and taking risks to blow the whistle and release information to the public. It struck me that if we had a stronger access to information system, where citizens could obtain information that the government does not want to divulge, there would be far less need for our brave public servants to take those risks. I wonder if the member for Moose Jaw—Lake Centre—Lanigan would care to reflect on that observation as well.

• (1720)

**Mr. Tom Lukiwski:** Madam Speaker, my colleague and friend from Regina—Lewvan is quite right. He and I, and my colleague from Edmonton West, sit on the government operations committee. We heard compelling testimony from whistle-blowers who felt they were being let down by their government because the information they would bring forward to expose wrongdoing within the government was falling on deaf ears. In fact, it was even worse. Sometimes they came with stories about being punished for bringing forward these legitimate exposés of government wrongdoing, and in some cases outright corruption.

Will changes in Bill C-58 help or hinder those who expose wrongdoing in the government? Quite clearly, it would hinder the ability of public servants to come forward. That is just one of many examples I can put forward in this place to demonstrate quite clearly how flawed Bill C-58 actually is.

**Mr. Kelly McCauley (Edmonton West, CPC):** Madam Speaker, I want to thank my colleague from Moose Jaw—Lake Centre—

Lanigan, a lovely resort town, for sharing his time with me. W.C. Fields was famous for his comment about not wanting to work with children and animals because they showed him up. Following his speech, I feel the same way.

I am pleased to speak on Bill C-58 today, which would amend the Access to Information Act and the Privacy Act. I also call it another broken Liberal promise hidden behind talking points peppered with key words like “open by default”, “transparency”, “historic”, and “whole of government”, but that is just the working title. I threw in “whole of government”, because Liberals use that for every other bill, so I figured why not this one as well.

The last time I spoke about this bill, I mentioned how it demonstrates the lofty rhetoric of the 2015 campaign on the Liberals' plan for openness, transparency, and accountability, and it was just that: rhetoric. Rhetoric is defined as, “Language designed to have a persuasive or impressive effect” on its audience, but “often regarded as lacking in sincerity or meaningful content.” That is pretty much what we have with this bill.

The Liberals defended their poorly thought-out bill by saying they were open to amendments. The Treasury Board president appeared before committee and repeated his intention a few times, and then realized that repeating this again and again does not make it true, much like “open by default”. It is shameful that the Liberals continue to talk about being open to amending their terrible legislation, but when the opportunity presents itself to make decent changes, the Liberals almost always shut them down.

This bill has been roundly ridiculed by experts, and what is the Treasury Board president's defence? He likes to say this is the first reform in over 34 years. This is a laughable excuse. One cannot defend bad actions by saying that at least it is an action, but that is the minister's key talking point. It is a lot like the executives of Coca-Cola sitting around an office table, talking about the recipe for Coke, and saying they have not amended it for 35 years or 100 years, so rather than broadly consulting for modifications to the formula, they launch an entirely new brand. Some of my colleagues in the House do not remember new Coke, but I can speak from experience that it did not work out very well.

The minister goes on about the virtues of his work by saying that, for the first time, Liberals are making government open by default, except that they are limiting it to sanitized briefing books and mandate letters that even the Liberal government has shown no intention of following. When faced with public outcry over their ruthless willingness to abandon their principles and promises in favour of whatever is politically convenient, the Liberals refuse to own up to their shameless actions with openness and transparency, but rather, mislead, re-profile, re-label, or try to change the story.

*Government Orders*

The minister then repeatedly touts the new powers given to the Information Commissioner. He repeats this point so often because it is probably the only positive point of the bill. The minister seems to have stopped listening after that point, and conveniently forgets that the commissioner herself is one of the harshest critics of the bill. Specifically, she said:

After studying the Bill, I have concluded that the proposed amendments to the Access to Information Act will not advance government transparency. The proposed Bill fails to deliver on the government's promises. If passed, it would result in a regression of existing rights.

That statement is on her website, plain for everyone to see. Perhaps the minister should read it.

The person charged with carrying out and overseeing access to information considers this bill "regressive", but like many things, because the commissioner's statement is counter to the Liberal message of the day, she does not need to be listened to, it seems. This is ironic. In defending their unending parade of scandals to members in this place, the Liberals claim to hold independent officers of Parliament in the highest regard. I can think of nothing more disrespectful than claiming to agree with the Information Commissioner, but then ignoring her thoughts on this disastrous legislation.

Let us talk about some of the problems with the current system. Timely access to information is key to a well-functioning democracy. If an access to information request takes months or even years to fulfill, the government has failed in its responsibility to be accessible. This legislation would not prevent requests from taking months or even years to be completed, but, amazingly enough, enables the process to take even longer.

I am an avid user of the Access to Information Act. In the two years since being elected, I have submitted over 60 ATIP requests. Take my word for it when I say that the Liberal government is unbearably slow in responding to ATIP requests. As I mentioned, since elected, I have filed over 60 requests, and only half of them have been completed. Some were filed in March of 2016 and remain outstanding over 20 months later.

• (1725)

I am now coming up to my second anniversary of this outstanding ATIP, and apparently cotton is the gift for second anniversaries. I am out looking for something to celebrate the two years outstanding for that ATIP.

Other requests include October 19, 2016, 18 months outstanding; September 2, 2016, 14 months outstanding; two filed at the very beginning of this year, almost a year old now; and April 6, 2017, 10 months outstanding. We also have over 24 ATIPs outstanding that were filed over half a year ago. For reference, I gave the same numbers the first time I spoke to Bill C-58 back in September. My office has not received a single one of them back yet.

The government promised to be better, set a gold standard, and exceed it by a mile. Exceed it? It has not even left the starting blocks.

What is the government's response to this? It wants to give heads of government institutions the ability to decline requests on the basis they are vexatious or made in bad faith. Who is going to define vexatious? Who is going to ensure the government heads are not

declining requests that are vexatious to the government or departments because they would embarrass them and are in fact requests for information the public needs to know, such as our ATIPs on the Phoenix issue, which showed very clearly that the government was told two months before it pulled the trigger on Phoenix to clear the backlog before going ahead, which it ignored. Under these rules about vexatious requests, the department would have been able to cover that off.

Another ATIP we had on Phoenix had the CFOs from every single government operation, Transport, Public Services, Agriculture, Finance, and Revenue, all stating very clearly not to go ahead with it, that the training and testing were not done. The government went ahead. Again, without access to information, we would not have found this.

We asked the Parliamentary Secretary to the President of the Treasury Board if ministers would be able to decline requests using the same clause. She said that she could not confirm that ministers would not have that power. This is ridiculous. Apparently, the government itself is stating that it will decide what is vexatious. I have no doubt it will use these new, poorly defined, and inadequately described powers to declare as much as it can to be vexatious or in bad faith.

"Never fear", the Liberals would say. If a person disagrees with the Liberal denial, he or she can appeal to the commissioner or go to the courts. However, as we have heard repeatedly in this place, the court system is so bogged down with cases and understaffed by qualified judges, almost exclusively because the government is unwilling or unable to fill these roles. Because of that, we are now letting accused murderers off the hook. Imagine how tied up our courts will be when we add in all the appeals on DWI because of impairment for pot. We know we do not have a valid and proper way to measure impairment.

My point is that the system of denial, appeal, denial, appeal could take a process, which already takes upward of 18 months or more and counting, two years. It could take three years or perhaps four years. The beauty of the legislation for the government is that there is no upper limit on the timelessness. Beauty is in the eye of the beholder, and the public and opposition do not see beauty in this.

The government claims that it is ensuring it is open by default, and we know this is patently false. Open by default would include setting an upper limit, which the government would then release the requested information. This legislation ensures that the government can continue moving the upper limit as long as is politically convenient.

The Liberal government talks about all the published mandate letters. How does publishing mandate letters force the government to keep its promises? We remember the mandate letters referring to debt and deficit. That was in the finance minister's mandate letter, which was blown off. The electoral reform promise was in the democratic institutions minister's mandate letter, which was blown off. The promise to complete an open competition for fighter jets was blown off.

*Government Orders*

There is one mandate the minister can keep, which is to perhaps mess up the procurement, create a trade fight with Boeing and the U. S., and then further subsidize Bombardier.

What about the promise to modify the Access to Information Act and Privacy Act? That is also in the Treasury Board's mandate letter, and is also a failure.

John Ivison from the *National Post* sums it up very well. He said, "It's a farce, and... [the minister] has been around long enough to know the changes he's just unveiled will not make the slightest difference to helping citizens understand the government for which they pay so richly."

This is it. Apart from a few minor amendments, the legislation has done nothing to meet the campaign promise of the Liberals.

• (1730)

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Madam Speaker, I am so glad that the member raised Phoenix, because this is an issue that I hear about quite a bit during question period. The member talked about how the government was warned not to push the button. The truth of matter is that the Conservatives fired 700 compensation advisers who used to do that work. The path was set. There was no option to go back by the time the current Liberal government came along and took over the disaster of a program that the former government had set up.

I would also like to reference the member's comments about Coca-Cola and that "if it ain't broke don't fix it". The difference between Coke and new Coke is that Coke was already a great product. It had been around for many decades.

Is the member suggesting that the existing policy that has been around for decades is also a great policy and should be the benchmark we use by today's standards of information?

**Mr. Kelly McCauley:** Madam Speaker, I can probably say that no one in the House knows more about Phoenix, unfortunately, than me, and perhaps my colleague for Regina—Lewvan. We have looked at this inside and out, and I have gone over probably 2,000 pages of ATIPs.

The government was told in advance not to go because the training was not done. We were told in advance to clear the backlog before we go and for the government not to do it. We were told in advance to do the training, but the government did not do that. On the issue about the terminating, we asked the minister and the previous minister how many of these employees were fired or terminated after October 2015. It was actually several hundred. Why were they laid off, if the government knew it was such a problem? Crickets, absolute crickets.

We asked the current minister that, and perhaps my colleague across the way wants to stick to "crickets" for his answer, instead of his accusations.

On the member's second point about the access to information law, the President of the Treasury Board stood up and said what a great job the Liberals have done and that it has been 35 years since the last time it happened. Sure, but the experts say it is horrible. The commissioner herself said that it is regressive and that the former government was a lot more open than the current government.

But, hey, it has been 35 years, and good on them for doing nothing. The Liberals can congratulate themselves for a great job of doing nothing.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Madam Speaker, I have to say that it is good to have the Conservatives onside in opposing Bill C-58, which rolls back access to information and would do nothing to eliminate delays.

However, being the festive season and to be charitable, I will say that the member for Edmonton West was not here in Parliament from 2006 to 2015 when the Conservative government did not take this issue seriously and did nothing to improve it. I know that the member was not here in 2011 when the Harper government got the lowest mark possible from Canadian journalists for free expression on access to information, which was an F.

I am being charitable to the member, because he was not here. I am glad to have the Conservatives onside, in some kind of conversion on the road to opposition from the Conservatives here, but, in this Parliament, if the bill is so bad, why did the Conservatives present zero amendments in committee?

• (1735)

**Mr. Kelly McCauley:** Mr. Speaker, I wish I had sat on that committee. It would perhaps have given me a break from explaining all the issues on Phoenix which the Liberals have inflicted on Canadians. I was not part of the committee, and I was not aware, but very clearly presenting amendments, just like the NDP did, would have had absolutely no effect. The minister made it very clear from the beginning that this was the world's greatest proposed law, which would bring in changes to access to information. The government would brook no advice or changes from anyone else. Why we did not, I am not sure, but it would have made no difference.

However, another colleague talked about the whistle-blower act. My party, together with the NDP and Liberals in the government operations committee, put through a unanimous report to protect whistle-blowers, presenting a lot of great suggestions on how we can make amendments and legislative changes to improve it. However, the same President of the Treasury Board, who shot down all the amendments in the committee on Bill C-58, took the whistle-blower suggestions and put them in the dustbin with all the other great amendments that were suggested by the NDP and other parties on the Access to Information Act.

*Government Orders*

**Mr. Erin Weir (Regina—Lewvan, NDP):** Mr. Speaker, it is a privilege to once again speak to Bill C-58, but it is a bit disappointing to have to make some of the same criticisms of it that we on the opposition side have been making throughout. Notwithstanding some of the comments we have heard from the government, the bill actually has not been significantly amended and many of the original problems with it persist.

I would like to address this legislation in terms of three headings: first, the scope of the act; second, exceptions to the act; and third, the difference between proactive disclosure and access to information.

In terms of the scope of the bill, it is important to note that the Liberals were elected on a promise to extend access to information to the Prime Minister's Office and to the offices of other cabinet ministers. Bill C-58 would not do that. It is really part of a litany of broken promises by the government. Here we think of electoral reform. We think of the promise to close the stock option tax loophole. We think of the promise to restore door-to-door mail delivery. The government is building up quite a track record of broken promises and, unfortunately, the commitment to extend access to information to cabinet ministers, including the Prime Minister, is another one of those broken promises.

I had an opportunity at the committee on access to information, privacy and ethics to ask the Privacy Commissioner whether there were any privacy reasons that the government could not extend access to information to those cabinet offices. He confirmed that there were no such privacy reasons and that as far he was concerned, it would have been and would be feasible to extend access to information to the offices of cabinet ministers. Our first major disappointment with the scope of the bill is the fact that it fails to extend access to information to the very cabinet offices the government promised to include.

The second heading I would like to address is exceptions to the act. There are already exceptions related to cabinet confidences and policy advice to ministers. These exceptions have proven to be quite troublesome, because it is easy for the government to define almost anything as policy advice to a minister or as somehow being subject to a cabinet confidence. It is a very broad-sweeping exception that the government can use to not disclose information. Unfortunately, Bill C-58 would not correct this exception.

The really bad thing about Bill C-58 is that it creates new exceptions that would allow the government to not disclose information that citizens are requesting. In particular, it empowers the government to deem that an access to information request is frivolous or in bad faith. It is difficult to put government officials in the position of having to try to define the motivations of people making access to information requests. This is a very poor criterion on which to accept or deny access to information requests.

What is this really all about? The example we heard from a couple of different government members throughout this debate is the case of “an ex-spouse [who] ATIPs his or her former spouse's work hours on a daily basis or their emails”. There is obviously a problem with that type of request, but the way to respond to that is through proper protections of privacy, not by deeming the request itself to be frivolous or in bad faith. It is obviously the case that the government

cannot disclose certain information for privacy reasons, and the privacy protections need to be very robust in federal legislation.

• (1740)

However, the idea of protecting privacy is not a justification for giving the government broad, sweeping powers to deem that particular access to information requests are frivolous or in bad faith. We do need to have proper protections for privacy, but those in no way justify the new exceptions introduced in Bill C-58, which try to get into the motivation behind an access to information request, which is a very difficult thing for the government to ascertain, and a very difficult thing for citizens to trust the government to ascertain in an objective and proper way.

The third aspect of the legislation that I would like to address is the difference between proactive disclosure on the one hand and access to information on the other hand, because of course one of the aspects of Bill C-58, which the government touts, is the notion of increased proactive disclosure. We have the idea, for example, that the government will proactively disclose ministerial briefing books. A cynic might suggest that this provision will result in government officials and ministers' assistants spending time drafting briefing books for public consumption. Knowing they will be proactively disclosed, they will just prepare documents that they are happy to have disclosed and that do not really contain a lot of sensitive or controversial information. We are very concerned about that, but even if we assume that would not happen and that everything would be done entirely in good faith, we still have to face up to the fact that proactive disclosure, as positive as it might be, is no substitute for access to information.

Proactive disclosure is about the government choosing to disclose certain things. On the whole, it is good for the government to proactively disclose more documents, but access to information is fundamentally about citizens being able to request information that the government does not want to disclose and does not think it should have to disclose. There is a very important distinction to be made here between proactive disclosure, which is a good thing and the government is touting, and access to information, which is what the bill is supposed to be about.

To sum it all up, I would like to conclude by reading a quote from the Information Commissioner's report on Bill C-58 entitled “Failing to Strike the Right Balance for Transparency”. She said:

In short, Bill C-58 fails to deliver. The government promised the bill would ensure the Act applies to the Prime Minister's and Ministers' Offices appropriately. It does not.

The government promised the bill would apply appropriately to administrative institutions that support Parliament and the courts. It does not.

The government promised the bill would empower the Information Commissioner to order the release of government information. It does not.

Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights.

*Private Members' Business*

• (1745)

**The Assistant Deputy Speaker (Mr. Anthony Rota):** It being 5:45 p.m., pursuant to the order made earlier today, the question on the motion is deemed to have been put and a recorded division deemed demanded and deferred until Wednesday, December 6, 2017, at the expiry of the time provided for oral questions.

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## PRIVATE MEMBERS' BUSINESS

[English]

### UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

**Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP)** moved that Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, be read the second time and referred to a committee.

He said:

[Member spoke in Cree]

[English]

Mr. Speaker, I just thanked the Anishinaabe for allowing us to be in this place at this moment. We often forget that there are families who lived on this territory before Parliament Hill was established and that is the Pinaceae family. I want to thank them for allowing us to be on their territory, and we always need to recognize that fact.

I want to say from the outset how privileged I feel to be able to stand in this place and talk about the fundamental rights of the first peoples of this country. I say privileged because there are a lot of indigenous people in this country who do not have that voice, so I am privileged to be able to stand in this room and speak on their behalf so that they can be heard as well. My mom only speaks Cree, and I do not think she would be able to be a member of Parliament because of that very fact. She only speaks Cree, and this place does not allow us to be able to do that. Therefore, I want to honour those people who are not often heard and are not often listened to.

It is also quite fitting that this bill is being debated on the occasion of the 150th anniversary of Confederation. We are now beginning to discuss the fundamental rights of indigenous peoples as human rights. That does not happen a lot, very rarely as a matter of fact, so it is important that we remind ourselves that the indigenous peoples' fundamental rights in this country are indeed human rights.

Bill C-262 would also allow us to begin to redress the past wrongs, the past injustices that were inflicted on indigenous people. This is the main objective of Bill C-262, to recognize that on one hand they are human rights but on the other hand that we begin to redress the past injustices that were inflicted on the first peoples of this country.

Mr. Speaker, you already know that I am a survivor of the residential school system where I spent 10 years incarcerated culturally, politically, linguistically, spiritually even, in the residential school system. I set out to do exactly two things coming out of residential school: first, to go back to the land where I come from

and live off the land, hunting, fishing, and trapping. That is exactly what I did the first year I came out of residential school. The other thing I said to myself was that when I came out the objective for me that I set out was to reconcile with the people who had put me away for 10 years. That was my objective, to reconcile with the people who had put me away for 10 years.

• (1750)

Bill C-262 is my response and my extended hand to you, Mr. Speaker, for reconciliation and, of course, through you to all Canadians and to all parliamentarians in this place.

There are momentous occasions and this is a momentous occasion for all of us as parliamentarians. One of the things that we can do in the name of reconciliation is to adopt this framework that I am proposing through Bill C-262. I do not need to remind members that the world is watching. This is an occasion for us all to show that we are truly sorry and the world that we in 2017, in this time of reconciliation with indigenous peoples, are ready for what I am proposing in the bill, namely, that our minimum standards for relations with the indigenous peoples of this country be those set out in the UN Declaration on the Rights of Indigenous Peoples.

I want to thank the Minister of Justice, the Minister of Crown-Indigenous Relations and Northern Affairs, and their colleagues for finally accepting that this should be a framework for reconciliation in this country. I also want to thank previous members of Parliament who have proposed similar instruments in this place, in particular two other MPs who have proposed similar bills here.

The UN declaration has been decades in the making. In fact, it took more than 20 years to achieve. It has been 10 years since the UN General Assembly formally accepted the UN Declaration on the Rights of Indigenous Peoples. There is no member state in the world as we speak that objects to the UN Declaration on the Rights of Indigenous Peoples. In fact, the United Nations has reaffirmed at least five times in the past this declaration as a universal human rights declaration.

This is a momentous opportunity to set a global precedent that is expected of a country like Canada. It is the responsibility of parliamentarians, as the UN charter calls us to do, to respect and promote all human rights, including the human rights of indigenous peoples. The rule of law in this country obliges us to respect the Constitution, and in the Constitution there are the section 35 rights of indigenous peoples. That is what the rule of law is. It calls on us to respect and promote the universal rights of indigenous peoples.

I want to remind my fellow members that with Bill C-262, we are not creating new law or new rights. Those rights are fundamental and they exist. They are inherent. They exist because we exist as indigenous people.

• (1755)

In that sense, it is important to recognize that we need to continue to promote, and we have an obligation as a country to promote, those fundamental rights.

Bill C-262 also does away with colonialism in this country, very explicitly. We have explicit ties with our territories. We have spiritual ties with our territories. We need to recognize that once and for all.



Bill C-262 is about human rights. Bill C-262 is about justice. Bill C-262 is about reconciliation. If we are true to our commitment to reconciliation, this is the first step in that direction. No one in this place, or in the galleries, opposes the human rights of indigenous peoples. No one in this place opposes human rights. No one in this place is opposed to reconciliation.

This is the way forward. This is a first step in the right direction. Let us stop talking about those rights and the fundamental rights of indigenous peoples of this country; let us do something about it. This is what we are proposing today.

I want to quote former secretary-general of the UN when, in talking about the declaration in 2008, he said that the declaration is “a visionary step towards addressing the human rights of Indigenous peoples”, and, he added, “a momentous opportunity for States and Indigenous peoples to strengthen their relationships, promote reconciliation and ensure that the past is not repeated.

It is important to realize that this is one of the most important pieces of legislation this House will have to deal with. We are talking about the first peoples of this country. We are talking about the fundamental human rights of the first peoples of this country. This is a step in the right direction.

In closing, I wish to underline that I am committed to, and am looking forward to, working with the ministers across the way on improving the rights of indigenous peoples. The work can only be fully achieved if we all work together. That is what I am proposing: the recognition that the rights must remain in the framework of international human rights standards.

I know my time is almost up, but I also want to quote what many have said in the past with respect to the UN declaration. The former attorney general of British Columbia had this to say recently about the UN declaration:

There's a better approach. As the Supreme Court of Canada has said now on several occasions, Indigenous peoples are the beneficial owners of their traditional lands. They have the right—guaranteed by our Constitution and reflected in UNDRIP...

I agree with that. That is the road we need to take from now on.

I appreciate this moment to discuss Bill C-262 to recognize those rights we have as the first peoples of this country. If we are serious about reconciliation in this country, we need to take that path of the UN Declaration on the Rights of Indigenous Peoples. We have waited far too long to get here. We are here now. This is an opportunity for this House to recognize that those universal rights that also belong to indigenous peoples need to be enshrined in our way of doing things in this country.

● (1800)

I want to take this opportunity to thank the many promoters of the bill. I call them the Steve Heinrichs of the country, and there are several of them in the gallery today. I want to thank them for their support. Without them, we would not be standing here talking about this today.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, I want to thank my colleague for a very powerful speech, and for talking about introducing the bill and the hand it is extending to all of us in reconciliation.

### *Private Members' Business*

He talked about the fact that this is perhaps one of the most important pieces of legislation in the House, but I have a concern. As he knows, a private member's bill gets very limited debate. My question is, with having it come through the House as a private member's bill, where we do not get the opportunity to debate it in the way I think it should be debated, is that a concern for him?

**Mr. Romeo Saganash:** Mr. Speaker, I want to thank my colleague on the Standing Committee on Indigenous and Northern Affairs for that question. It is an important one. She understands a lot of these issues, and thus her important question.

I understand her concerns thoroughly. One of the things we could perhaps do is to send the bill to committee, so we can study it further with experts, and some of them are in the gallery today. We could answer some of the concerns the member has in regard to the UN declaration and the fundamental rights of indigenous peoples. I appreciate her raising that question.

For a lot of the concerns that both Her Majesty's official opposition and the government may have with respect to the fundamental human rights of indigenous peoples of the country, there a lot of experts who could come to committee and respond to those concerns. I could do it in the House. I have no problem doing that, but I think the bill deserves further study, if we are to answer a lot of the concerns that may be raised.

● (1805)

**Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.):** Mr. Speaker, I want to thank my friend for his lifetime of work on UNDRIP and bringing this forward today in the House. I also want to say what a privilege it is for us to have heard the speech. We are also blessed to be working with the hon. member on the indigenous affairs committee.

One of the things he indicated in his speech was that the bill would get rid of colonialism. I think it is safe to say that this is probably one step further in decolonizing our country, but we still have a long way to go. I want to ask the member if he feels that there is more that needs to be done, apart from this particular bill alone. Does the bill goes far enough to ensure that we implement and are in compliance with the principles of UNDRIP?

**Mr. Romeo Saganash:** Mr. Speaker, prior to answering the question, human rights should not be a partisan issue. Human rights are human rights. We are obliged, as a member state at the United Nations, to uphold at all times the human rights of all. That certainly includes indigenous peoples. Therefore, I do not consider my bill a partisan bill, but a matter of concern for all of us.

*Private Members' Business*

The bill was drafted in a way to at least provide the basis or framework for reconciliation in our country. If members carefully read call to action 43 of the Truth and Reconciliation Commission, it calls on the Government of Canada, the provinces, the territories, and the municipalities to fully adopt and implement the UN Declaration on the Rights of Indigenous Peoples as the framework for reconciliation. Therefore, governments cannot say that they agree with the majority of the calls to action issued by the Truth and Reconciliation Commission, but have a slight problem with calls to action 43 and 44. They are the fundamental and core calls to action of the Truth and Reconciliation Commission. This is the road and path we need to take as a country.

**Ms. Yvonne Jones (Parliamentary Secretary to the Minister of Indigenous and Northern Affairs, Lib.):** Mr. Speaker, I am proud to stand here today as an Inuk woman in Canada and to be part of a government that has been clear that Canada is fully in support of the UN Declaration on the Rights of Indigenous Peoples. As has been stated by our ministers and the Prime Minister, we are committed to its adoption and implementation in Canada. This means translating the standards set out in the declaration into effective change.

I want to reassure my colleague, the member for Kamloops—Thompson—Cariboo, who asked a question earlier, that UNDRIP and its components in Bill C-262 are a priority for our government and that we fully intend to honour these priorities.

Bill C-262 bill proposes a process of dialogue and the development of an action plan aimed at ensuring consistency between federal law and the declaration. Such an approach would be consistent with other ongoing processes, including the review of laws, policies, operational practices, and the permanent bilateral mechanisms that are in place. It would also consistent with our government's commitment to advance the recognition and implementation of indigenous peoples' rights. As a result, we are pleased to support Bill C-262, while remaining committed to further action, in partnership with indigenous peoples.

To begin, I would like to acknowledge the member for Abitibi-Baie-James-Nunavik—Eeyou for his tremendous work not only in this Parliament, but also in recognizing and putting forward Bill C-262, as a supporter of the declaration of indigenous people in Canada.

I also want to recognize and congratulate many others who may have worked with our government to advance these goals. I saw one of our former chiefs, Chief Willie Littlechild, here today. He worked with the member of Parliament in making this a reality and on a united declaration. I know there are many others as well.

As our government has emphasized, it is time for a renewed nation-to-nation relationship with indigenous peoples, one that is based on the recognition of rights, respect, co-operation, and partnership. We see Bill C-262 as a good next step in the ongoing work of transforming the relationship with indigenous peoples. I think that is the vision my colleague held when he brought this bill forward to the House of Commons.

Bill C-262 would continue to build on the progress made by our government to date. We have already established 50 recognition of indigenous rights and self-determination discussion tables across the country. We have created a permanent bilateral mechanism with a

national indigenous organization. Further, we have established a working group of ministers to review federal laws, policies, and operational practices to ensure that they align with section 35 of our Constitution, as well as the UN declaration. That process is being led by our Minister of Justice, a first nations woman in Canada.

Also, as a government we released 10 principles with respect to the Government of Canada's relationship with indigenous peoples. The principles reflect the views expressed by indigenous peoples over generations, and reinforce the report of the Royal Commission on Aboriginal Peoples, a document dating back more than 20 years that has not really been enacted in Canada.

• (1810)

The Truth and Reconciliation Commission's calls to action and UNDRIP, combined with all of these others, are certainly the groundwork that we needed to really advance our relationship with indigenous people in this country. These and other efforts are part of the government's approach in advancing reconciliation and improving the lives of indigenous people in Canada.

We really appreciate all of the people who have been involved, both indigenous and non-indigenous people in this country, in speaking out for the United Nations Declaration on the Rights of Indigenous Peoples. We heard today a passionate plea from my colleague opposite, a plea that was built on life experiences and came from the heart. That is what we have heard expressed by so many indigenous people across our country. We know that view is far-reaching and we also know what must be done to operationalize the United Nations declaration provisions in Canadian law. This includes pursuing comprehensive legislation and policy changes in partnership with first nations, Inuit, and Métis nations, in order to fully adopt and implement the declaration and meet the promise of section 35 of our Constitution.

A transformative shift in relations is required, and that is what we are doing. Relationships must be based on the recognition of rights and a shift that enables tangible change to the marginalization and disempowerment that have been experienced by indigenous people and communities for far too long. This shift cannot be achieved through just one piece of legislation alone.

For this reason, our government is working with indigenous people to bring forward further legislative and policy shifts that will be based on the recognition and implementation of rights. This may include new legislative standards for crown conduct based on recognition, mechanisms to support indigenous self-determination and the inherent right of self-government, and changes to core policies regarding indigenous people. I am sure that many of my colleagues in the House are, as I am today, happy to hear that the government is prepared to walk that line and bring forward the legislation that will be necessary to implement this declaration.

I think we can all agree that while the principles speak of the shift to recognition, they cannot operationalize this shift themselves. The same is true for the UN declaration. Words are not enough; action is needed. Therefore, we need to build a framework, in full partnership with indigenous people, that embeds recognition in all federal decisions, actions, and negotiations; that aligns federal laws with the UN declaration; and that creates mechanisms that have been supported by indigenous governments for a very long time. That includes transitioning out of the Indian Act.

In closing, I want to congratulate the member for bringing forward this motion today. We, on this side of the House, are proud to support this private member's bill and give him our guarantee that we are on this path together, all indigenous and non-indigenous Canadians, and we will do what is long past due in this country, which is to bring forward the right legislation and standards to ensure that self-determination and the inherent rights of indigenous people are respected in the lands that we all love.

• (1815)

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, I would like to thank the hon. member for Abitibi—Baie-James—Nunavik—Eeyou for bringing forward his private member's bill, Bill C-262. I note his important contribution to the discussion on the UN Declaration on the Rights of Indigenous Peoples. I would also like to share my profound respect for my colleague and acknowledge the important work he has done over many years that has significantly impacted indigenous policy in this country.

Before addressing the private member's bill, I would like to make a general observation. Section 35 of our Constitution and Canada's existing laws has in the past, and will in the future, ensure that indigenous rights are protected in Canada. We only need to reflect on a number of historical court decisions to understand how section 35 is shaping these rights. From the 1999 Marshall decision that confirmed the Mi'kmaq and Maliseet treaty right to catch and sell fish, to the 2014 Tsilhqot'in decision that granted aboriginal title to more than 1,700 sq kilometres of territory, a first in Canadian law, it is clear that our understanding of indigenous rights is constantly evolving. Just last week, the Supreme Court of Canada rendered a decision regarding the Peel watershed, which upheld aboriginal land use rights protected in treaties.

It might be suggested that the gap or problem in Canada is not our legal framework, but our frequent failure to live up to the obligations and the honour of the crown.

The bill before us today seeks to implement the 46 articles in the United Nations Declaration on the Rights of Indigenous Peoples, as stated in the document, "a standard...to be pursued in a spirit of partnership and mutual respect". All parties in the House acknowledge the need for reconciliation, a better shared future, and the importance of the declaration. The 46 articles are essential guiding principles for that journey.

I do have some unanswered questions regarding how this international document will transpose into a domestic framework. In my opinion, we need some clear answers before we can move forward on Bill C-262. Let me share some general and specific concerns that need to be addressed.

### *Private Members' Business*

In the past, the Liberals have argued vehemently that any small changes to the Indian Act and the Labour Code must only be introduced as government legislation, where there is an opportunity for comprehensive reflection and not just a couple of hours of debate. I would suggest that the bill before us today has more far-reaching implications than the right to a secret ballot for union certification. For the Liberals to support an NDP private member's bill to implement UNDRIP and not put it forward as government-initiated legislation is unfathomable. The debate will not be afforded the due diligence that it requires and deserves. Even today, members might have noticed that we did not hear from the minister. We did not have an opportunity under private members' business to even question the minister. In my mind, that is a problem.

To get into more specifics, first and foremost was the statement by the Minister of Justice in 2016, and I quote, "Simplistic approaches such as adopting the United Nations declaration as being Canadian law are unworkable and, respectfully, a political distraction to undertaking the hard work actually required to implement it back home in communities."

The justice minister, unlike many of us who will be speaking to the bill, has access to all sorts of comprehensive briefings and advice. The minister would not have made that comment lightly, so it is critical for her to explain why she made the comment at that time, and how she now reconciles that with her recent commitment to support the bill. I would note that because it is private member's bill, we are very unlikely to get a chance to ask her that question.

On Thursday of last week, the Minister of Crown-Indigenous Relations was at committee. At that time, we had the opportunity to ask a number of questions, and I want to provide a brief summary of that testimony.

Article 19 suggests that the government ensure free, prior, and informed consent before adopting and implementing legislative measures that may affect them. When the minister was asked if that would apply to laws of general application or only laws that exclusively impact indigenous people, she clearly indicated that there would be a broader application. That brings us to a question of what future laws of broader application in this country would require free, prior, and informed consent, and how will that be determined in a country as diverse as Canada. How will that consent be given?

*Private Members' Business*

• (1820)

The national organizations acknowledge they are not rights holders, they are not the authorized decision-makers, and their mandate is advocacy. The indigenous community has indicated that it has to do a lot of work in terms of nation rebuilding. Therefore, what government structure or consultation framework would be put in place to actually engage in these consultations? To what degree would this commitment around the laws of general application fetter the government's ability to move forward? I will give some recent examples.

We certainly know that with Bill S-3, the government is committed to engaging in a consultation process. Clearly, that is not a general application law, but the government is going to have consultations with bands across the country. I have no idea how the government members are going to determine when they have concurrence and how long they are going to have to spend in a process where there will be human rights competing in terms of consent, and at the very dichotomy of the many consultations they will have to have. In that case it is first nations, but we also have the Métis and the Inuit.

The marijuana law is another example of broader application that is clearly going to have an impact in indigenous communities. Under our current framework, the government only engaged in a general consultation process. Would that bill be subject to article 19, and if so what would it do to the government's timelines and how are the Liberals going to move forward? The answer to that question is unknown, but it is important.

Today, we have been debating in the House Bill C-58, which is the privacy law. Again, we have a number of indigenous communities whose representatives have said that they have grave concerns. They have referenced the UN declaration in terms of their right to have input, and free, prior, and informed consent, but we have no system or process in terms of how we are going to move that forward. That is important work that needs to be done.

Where a lot of people have focused, the laws of general application are something we need to pay particular attention to, but there is also the issue of free, prior, and informed consent as it relates to the development of the natural resources. The minister has suggested it was not a veto and the position was supported by National Chief Bellegarde. However, he noted on three occasions that free, prior, and informed consent means the right to say yes and the right to say no. A number of lawyers have said the whole discussion is really a bit of semantics and whether it is veto or consent it has the same effect. Again, it leads to a question in law. What is the difference between "free, prior, and informed consent" and "consult and accommodate", which is what we have in law right now? Certainly there is no question that the declaration proposes that change in our law and we need to simply know what that is going to mean because it is important. From what I have seen, the legal opinions out there are as varied as they possibly could be. As members might imagine, it leaves confusion in the minds of not only the indigenous communities but Canadians in general. We have some work to do in terms of developing a common understanding before we commit to an implementation into our legal framework.

Article 29 talks about the right to territories, lands, and resources. In British Columbia alone, that is 100% of the province. What are going to be the practical implications for perhaps the tourism operators in the Chilcotin or the ranchers who have depended on crown land, as these decisions get made? We have not talked about impacted third parties and how, as we correct the injustices of the past, we should not create a new injustice.

In conclusion, as members can see from my 10 minutes of speaking, there are a lot of important unanswered questions. My first concern is the fact that the government has committed to implementing this as a private member's bill where we are going to be limited in the debate and our opportunity to create a shared understanding. The shared understanding of all these concepts is going to be critical in terms of moving forward into success in the future for all.

• (1825)

[*Translation*]

**Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP):** Mr. Speaker, I am very honoured to rise today to support Bill C-262, which was introduced by my colleague and friend from Abitibi—Baie-James—Nunavik—Eeyou.

The purpose of this bill is to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

As we celebrate the 150th anniversary of the place we now call Canada, we must take this opportunity to pursue genuine reconciliation with indigenous peoples. A good look at the living conditions of many of Canada's first nations might dampen our celebratory mood.

This year also marks the 10th anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Drafted over a period of more than 20 years in collaboration with indigenous nations around the world, this living human rights instrument seeks to enhance harmonious relations between states and indigenous peoples.

Unfortunately, Canadian governments of the past 150 years have opposed the adoption of this declaration and its fundamental principles or have failed to take the necessary measures to implement it, a pattern that continues today.

I was very pleased to learn recently that there is some openness among certain members of this government, and I hope that we have enough support to finally implement this important declaration within our own legislative framework.

It is unacceptable and particularly shameful that a disconnect still persists between the official recognition of the rights of indigenous peoples and the implementation of policies that allow those rights to be fully implemented on the ground. It is high time that we did something, that we stopped talking and started acting, so that the first peoples of this country do not have to wait another second for their fundamental rights to be protected, respected, and recognized.

*Private Members' Business*

I sincerely thank my colleague and dear friend from Abitibi—Baie-James—Nunavik—Eeyou for playing such an important role in actively contributing to the drafting of this declaration. Above all, I congratulate him on having the courage and daring to introduce Bill C-262, giving us this historic opportunity to debate the fundamental rights of indigenous people here in the House of Commons.

The fight for indigenous rights is very near and dear to me. However, it is very frustrating that so much work remains to be done to ensure the survival, dignity, and well-being of indigenous peoples in Canada.

In 2012, as the official opposition housing critic, I went on an extensive Canada-wide tour to determine the extent of the housing crisis in our country. As long as I live, I will never forget the time I spent in the ridings of my colleagues from Abitibi—Baie-James—Nunavik—Eeyou and Desnethé—Missinippi—Churchill River.

Thanks to them, I had the opportunity to meet with northern Inuit and Cree communities from Nunavik and members of the first nations of northern Saskatchewan. That is when theory became reality, and I grasped the scope of the indigenous housing problem in Canada.

I have a hard time understanding how the government can remain so idle on this file when we know that it is not uncommon, in indigenous communities, to see 15 family members living under one roof, with walls covered in mould, often with no access to potable water. They are living in conditions that we would never accept if those conditions were as widespread in the non-indigenous population.

What is more, the housing units they live in are not adapted to their traditional way of life or to the climate. This painful reality affects them deeply, but no targeted strategy was included in the national housing strategy that was announced less than two weeks ago.

Housing is not the only area in which they experience discrimination. As we speak, indigenous men, women and children are still subject to archaic, colonial, racist, discriminatory, and sexist laws. Indigenous peoples continue to be excluded and marginalized and to suffer serious violations of their fundamental rights.

Intergenerational trauma, the wave of suicides, and the deterioration of mental and physical health should receive the attention they deserve. I could go on and on, as there are many problems.

What is certain is that past and current colonialist measures and policies of governments and churches have resulted in the dispossession of their lands and resources, the shameful residential school system, and the cultural genocide brought on by the denial and destruction of indigenous languages and cultures.

It is now 2017, and our country claims to be in an era of reconciliation. If the time for reconciliation has truly arrived, if we are truly sincere, these actions must stop immediately.

It is imperative that we stop talking and start acting, because the fundamental rights of indigenous peoples are no longer negotiable. They are universal and should be treated accordingly.

●(1830)

Members will surely recall that last year, in call to action no. 43, the Truth and Reconciliation Commission of Canada called on the federal government “to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.”

In call to action no. 44, the commission called on the government to “develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.”

Today, Bill C-262 gives us an opportunity to reject our colonial past and to reverse the historical patterns and decisions that were imposed and that threatened the survival of many indigenous peoples. It gives us the opportunity to adopt a new approach based on justice, equality, respect for human rights, and good faith, an approach that should have been taken and recognized a long time ago.

The United Nations Declaration on the Rights of Indigenous Peoples sets out a series of human rights and fundamental freedoms that indigenous peoples have the right to enjoy. Article 9 of the declaration specifically states that:

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

The days of forced assimilation and cultural genocide are over. Whether we are talking about education, health, or environmental protection, preserving their identity and their customs and traditions has to be the top priority.

The declaration also allows for the right to self-determination, the right to maintain and develop their own political, religious, cultural, and educational institutions, and the protection of their cultural and intellectual property.

Article 33 of the declaration states that:

Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

[They also] have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Another key aspect of the declaration is control over their own lands, territories, and natural resources. The history of the indigenous peoples teaches us that they have lived on these lands since time immemorial.

Despite treaties and commitments to live in harmony on this land, the settlers did not keep their promises. There needs to be a return of lands, territory, and resources, as well as fair and equitable compensation.

On that note, article 19 of the declaration states, and I quote:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

*Private Members' Business*

This article of the declaration would allow us to change the way we do things and our historically colonialist attitude and implement a process for true nation-to-nation negotiation, on equal terms.

The declaration also provides for fair and mutually acceptable procedures to resolve conflicts between indigenous peoples and states, including procedures such as negotiations, mediation, arbitration, the creation of national and international courts, and regional mechanisms for denouncing and examining human rights violations.

The United Nations Declaration on the Rights of Indigenous Peoples is the culmination of more than 25 years of collaboration, and the bill from the member for Abitibi—Baie-James—Nunavik—Eeyou will enable this country to build a truly meaningful nation-to-nation relationship at last.

This legislative framework will allow us to leave a lasting legacy by gradually correcting the mistakes of the past, serving as a catalyst that will ultimately lead to the repeal of the shameful Indian Act, and effectively banning the discriminatory doctrines of discovery and *terra nullius*.

Lastly, this legislative framework will affirm the significant value of the national reconciliation process. Without justice, there can be no reconciliation in Canada.

It is high time we adopted and implemented the United Nations Declaration on the Rights of Indigenous Peoples, so that the fundamental rights of first nations, Métis, and Inuit peoples can finally be restored and recognized.

• (1835)

In closing, I would like to note that we are on unceded Anishinabe territory.

[*English*]

**The Assistant Deputy Speaker (Mr. Anthony Rota):** Resuming debate. The parliamentary secretary to the Minister of Indigenous Services will have approximately six minutes because of the lack of time.

The hon. parliamentary secretary.

**Mr. Don Rusnak (Parliamentary Secretary to the Minister of Indigenous Services, Lib.):** Mr. Speaker, as my colleague, the parliamentary secretary to the Minister of Crown-Indigenous Relations and Northern Affairs, reiterated, our government is proud of our commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples. We are pleased to be here today discussing our support for Bill C-262.

In considering the elements of the proposal, it is imperative that we consider it within the context of where we are now and where we are going. We are in the midst of a number of ongoing processes and initiatives that will assist in the implementation of the UN declaration in Canada. In addition to the establishment of a process to review laws, policies, and operational practices relating to indigenous peoples, and the creation of permanent bilateral mechanisms with the Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis National Council, a number of other initiatives are furthering our pursuit of a renewed nation-to-nation, Inuit-crown, and government-to-government relationship with

indigenous peoples. For instance, the Government of Canada has undertaken a review of Canada's environmental assessment and regulatory processes, including the Canadian Environmental Assessment Act, 2012, the Fisheries Act, the Navigation Protection Act, and the National Energy Board Act.

The United Nations declaration was, and continues to be, considered one of the key elements of these review processes. Indigenous peoples were engaged in all four reviews. The government is currently considering the wide range of recommendations from the review reports, including those on how best to respect the rights of indigenous peoples and involve them in decision-making processes.

Since 2015, we have been engaged in recognition of indigenous rights and self-determination discussions with indigenous groups to address their rights, interests, and needs, and enable greater self-determination. At last count, there were more than 50 such discussion tables under way, representing 300 indigenous communities and a population of more than 500,000 people. Additional rights and recognition tables are also being contemplated.

Discussions like these are contributing to the development of new relationships and approaches that are ultimately intended to support the actualization of self-determination and contribute to reconciliation. These discussions are also resulting in the co-development of section 35-related policy reforms. All of this work aligns with the UN declaration. Concrete action reflecting the minimum standards of the UN declaration has also been taken in a variety of policy and program areas, including economic development, housing, education, access to safe drinking water, and governance.

The proposals in Bill C-262, including the development of an action plan aimed at ensuring consistency between Canadian laws and the declaration, are consistent with this work and highlight the importance of providing opportunities for dialogue on what changes can be made to federal laws and policies to advance reconciliation in this country.

However, Bill C-262 will not, on its own, operationalize the United Nations declaration in Canadian law. What is required to do that is to move from dialogue to tackling real issues faced by indigenous communities across Canada. Let me take a moment to describe some of the concrete progress we are making.

For example, the Inuit-crown partnership committee is working together to identify and oversee the implementation of short, medium, and long-term initiatives and solutions for addressing the housing crisis in the Inuit territory. As part of this process, we are currently co-developing an Inuit Nunangat housing strategy. This approach recognizes the direct role of Inuit organizations and governments in addressing housing needs in Inuit communities, the need for long-term sustainable investments, as well as the importance of ongoing collaboration among Inuit, the federal government, and provincial and territorial governments.

*Adjournment Proceedings*

First nations communities and the government are also working towards long-term solutions to improve on-reserve water and wastewater infrastructure, ensure proper facility operation and maintenance, and strengthen capacity into the future. Since the commitment of \$1.8 billion over five years for water and wastewater infrastructure in budget 2016, 348 projects have been completed, or are under way, or are planned to address and prevent long-term drinking water advisories now and into the future.

• (1840)

Together these projects will serve approximately 270,000 people in 275 first nation communities.

We are also working with indigenous people on the development of distinctions-based legislation to promote and revitalize Métis, Inuit, and first nations languages. In October this year, the Minister of Crown-Indigenous Relations and Northern Affairs introduced Bill C-61, the Anishinabek Nation Education Agreement act. This legislation would give effect to an agreement negotiated between Canada and the Anishinabek Nation that recognizes Anishinabek control over education for 23 participating first nation communities.

Each of these specific measures and initiatives play an important role in contributing to achieving the standards described in the UN declaration. However, there is more to do to get us where we are going.

The process of dissolving Indigenous and Northern Affairs to better align with the needs and rights of indigenous people is one such forward-looking measure. This shift to a new department of Crown-Indigenous Relations and Northern Affairs coupled with the department of Indigenous Services will better support indigenous peoples in strengthening their own political, cultural, and economic institutions. In turn, this supports indigenous self-determination, reflected throughout the UN declaration. In this context, the approach proposed in Bill C-262 would continue to build on the progress that has already been made, and it deserves serious consideration by the committee.

• (1845)

**The Assistant Deputy Speaker (Mr. Anthony Rota):** The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

### TAXATION

**Mr. Blake Richards (Banff—Airdrie, CPC):** Mr. Speaker, in hindsight, small business owners, the hard-working, middle-class Canadians who just want to earn a living for their families and create jobs for our communities, should have seen this coming. I am talking about the coffee shop down the street, the person who cuts hair, and the mechanic who fixes cars. Instead of working hard running their local businesses, I guess they should have been keeping a closer eye

on what the government was trying to sneak in, because the Liberal red flags were all there.

The Liberals had broken their promise to reduce the small business tax rate to nine per cent at that point, which they have now flip-flopped on so many times businesses are not quite sure where the actual rate stands. The Liberals had put in place new payroll taxes on small business by increasing CPP and EI premiums. Of course, do not forget the carbon tax on everything that will make the cost of doing business exponentially higher. They also cancelled the small business hiring credit. On top of all this, the Liberals are actually saying that some businesses are too small to be a small businesses. I know it sounds astounding, but it is a fact. That is what they are saying.

Active versus passive income rules, which the Liberal government issued a new interpretation of, adversely affect many small businesses, such as campgrounds, mini self-storages, and other small operations, by arbitrarily assigning them as passive income, when the amount of work involved is absolutely anything but passive.

If that was not enough, the finance minister then went after small business owners by labelling them greedy tax cheats to justify new tax changes to help cover some of the costly out-of-control Liberal deficits. What is worse, these changes were subject to an extremely short consultation period during the dog days of summer. These are changes that will make it harder for Canadians to find a family doctor and will make wait times longer; changes that will raise taxes on job creators and entrepreneurs, making it harder for people to find jobs; and changes that will make it harder for small businesses to save for a rainy day, retirement, or maternity leave.

Why are the Liberals so dead set on putting job-creating entrepreneurs out of business, and when will this attack on small businesses end?

**Mrs. Alaina Lockhart (Parliamentary Secretary for Small Business and Tourism, Lib.):** Mr. Speaker, I am happy to respond to the comments made earlier by the member for Banff—Airdrie on the question of small business taxation..

Small businesses are critical for the Canadian economy. We know they represent 90% of all businesses, and employ more than 10 million Canadians. Our government is committed to ensuring they have the right tools and conditions to continue to grow, prosper, and create well-paying, middle-class jobs.

Our government has a clear plan when it comes to the Canadian economy. We are cutting taxes for those who need it most and we are making investments to grow our economy and set ourselves up to succeed for years to come. Our plan is working. In fact, in two years of being in government, we are seeing growth the members opposite would have loved to see during their decade in office.

*Adjournment Proceedings*

The economy has created more than 600,000 jobs since we came to office. Our growth now leads the G7. However, our work is not done, which is why, in October, the Prime Minister announced that our government would fulfill our promise to lower the small business tax rate to 9% by January 1, 2019.

Canada's small business tax rate was already the lowest in the G7, and with this action, we are lowering even further. Small businesses will save up to \$7,500 per year as a result. This includes the many businesses that work in Canada's tourism sector, including campgrounds, which is part of the member's original question.

When it comes to the member's question and his concern, it is important to remember that of the over 20,000 small and medium-sized businesses reviewed by the CRA, fewer than 20 businesses classified as recreational vehicle parks and recreational camps were denied the deduction.

There are more than 200,000 businesses in our tourism sector, and nearly all are small business. We are seeing record growth in the sector, but our work does not stop there either.

We are also investing to support small businesses throughout the economy as they work to create jobs. It is why we introduced our innovation and skills plan, which will support businesses as they invest in innovation, job creation, and growth in communities right across the country.

We also introduced the innovation superclusters initiative. Through this initiative, we will invest \$950 million to support key sectors of Canadian strength. This initiative is not just about supporting one business; it is about creating centres of expertise right across the country. We will connect large businesses with innovative small businesses and research institutions to build business-led innovation superclusters.

This initiative was very popular. Our government received more than 50 letters of intent, which represented more than 1,000 businesses from across the country. This past October, the Minister of Innovation announced a short list of nine applicants. Their proposals are now being assessed. Five applicants will make up the final group. Each successful application will require involvement from several small businesses, and the private partners must match our investments, dollar for dollar.

We are working with businesses from coast to coast to help them create jobs and grow their businesses. This is part of the government's overall commitment to build a stronger middle class in Canada

• (1850)

**Mr. Blake Richards:** Mr. Speaker, the amount of spin that comes from the government side of the House of Commons is truly dizzying.

How can the Liberals stand there and claim to support small businesses when all of the policies they put in place are designed specifically as an attack on those small businesses. I do not understand how they can do it with a straight face. They have added new payroll taxes. They have added a carbon tax. They have even labelled small business owners as wealthy, greedy tax cheats.

Small businesses are the backbone of the Canadian economy. They are the job creators. They are the community supporters in our communities. Yet the Liberals seem to be on this constant warpath against them.

I will ask the member opposite this. Why does the Liberal government keep going after the little guy?

**Mrs. Alaina Lockhart:** Mr. Speaker, I am pleased to have another opportunity to respond to the comments made by the hon. member regarding small business taxation. I am glad to know we both agree that Canadian businesses are in fact the backbone of the Canadian economy.

Canada has the lowest small business tax rate in the G7 and the fourth lowest across the OECD countries. We are lowering it even further. We are investing in Canadian businesses. Whether it is to support innovation or investing in infrastructure, our plan is working.

Since coming into office, the Canadian economy has created more than 600,000 jobs, and our economic growth lead the G7. We have a plan, we are following the plan, and the results speak for themselves.

We will stay committed to building a strong middle class and to helping those who are working hard to join it.

INDIGENOUS AFFAIRS

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I am proud to rise in this House tonight to talk about some fundamental issues that have to be addressed in terms of the underlying principles of the rules of law and the rights of indigenous people in this country.

We have a government that has defied the Human Rights Tribunal. It has refused the order of Parliament to address the \$155 million shortfall in child family services, and continues to carry on that underfunding. As well, the indigenous affairs minister and the Attorney General have gone to the Ontario Superior Court to deny the basic legal rights of the survivors of St. Anne's residential school, and the fundamental questions about the right to the rule of law. All of these actions together show a complete disregard in terms of the government's promise of a new relationship. The indigenous affairs minister has said that the Liberals' attack on the rights of St. Anne's survivors is not an attack on the survivors themselves, but rather that the government is seeking clarification on the term "procedural fairness". Of course, that is not true. The Liberals are at the Ontario Superior Court to overturn the right of the chief adjudicator to address serious breaches in justice.



*Adjournment Proceedings*

What are we talking about? There are two cases. There is victim C-14114, as well as the case of H-15019. This is a horrific story. He was raped as a child by a priest at St. Anne's residential school, and participated in the process to have his case adjudicated fairly. His case was thrown out because the justice department was sitting on thousands of pages of police testimony that identified the perpetrator, the priest, and he could not establish where the priest was. What we know now is that the justice department had put together a person of interest report on this priest that was 96 pages long. It involved numerous witness statements of other acts of child sexual assault, which included 2,000 pages. Therefore, "procedural fairness" to the chief adjudicator meant that because the government suppressed this evidence, he had a right to have his hearing again. However, the government is saying that it will fight that in the Ontario Superior Court.

Of course, we have to ask ourselves why a government, in 2017, would suppress evidence of a serial predator, who preyed on children in St. Anne's residential school from 1938 to 1976. Why would it have that case thrown out? Why would it now be in superior court saying that after being forced to turn over the police evidence to the tribunal, the evidence that the police brought forward now cannot be used? It is saying that there are significant limitations on using new information. This is not new information. This is information that was suppressed by department lawyers from the Attorney General working on behalf of the indigenous affairs minister.

This is also a breach of the fundamental reason that the Liberals obtained this evidence in 2003 when they went to Ontario Superior Court to gather the evidence that identified 180 perpetrators of abuse at the time. Also, the affidavit by justice department lawyer, Haniya Sheikh, stated that they needed access to it to defend the government, and that it would assist all parties in corroborating and substantiating plaintiff evidence.

There is something fundamentally wrong in the law system of our country, if the justice department argues that the evidence sought by these indigenous residential school survivors, who suffered from having their cases falsely adjudicated under false narratives put forward by justice department lawyers who had identified the perpetrators, who had the witness statements, and who had been found out, somehow cannot be used because it would be unfair to the federal government. Canadians deserve better, and the survivors of St. Anne's—

● (1855)

**The Assistant Deputy Speaker (Mr. Anthony Rota):** The hon. Parliamentary Secretary to the Minister of Indigenous Services.

**Mr. Don Rusnak (Parliamentary Secretary to the Minister of Indigenous Services, Lib.):** Mr. Speaker, I am pleased to rise today and address the question asked by my colleague from Timmins—James Bay. I am particularly pleased to address this as the Assembly of First Nations Special Chiefs Assembly takes place in Ottawa this week.

I would like to recognize the AFN and the national advisory committee on first nations child and family services program reform for its efforts and advocacy. Our government agrees that we must completely overhaul child and family services for first nations communities.

We need to increase proactive support for children and their families, keep more children out of care, and support them to grow up in their families and communities with a secure personal cultural identity.

We know that to truly end discrimination, we must reform the current broken system and provide funding to better meet the needs of first nations children and families. The issues are complex and the solutions are multi-faceted, which is why we are working with the provinces, experts, and first nations partners to ensure the well-being of children comes first.

We believe that solutions made in partnership will yield the best long-term lasting results. We have heard from first nations that the development and implementation of the vision for change must be placed in the hands of indigenous governments and their membership.

This will enable indigenous peoples to directly address healing and prevention needs. It will also respect that the "one size fits all" approach to child and family well-being does not work.

Currently, the standards and values of children's aid societies across the country do not consistently reflect the standards and values of first nations peoples. Some provinces are making strides to change this, but more work is required.

This is why the minister has called for an emergency meeting on indigenous child and family services to take place in 2018. This meeting will bring together the federal government, provinces, territories, indigenous leaders, provincial advocates and experts to discuss how we can work together to transform indigenous child and family welfare so that it is child-centred, community-directed, and focused on prevention.

Our priority continues to be first and foremost the well-being of first nations children and we are committed to working in partnership to better support first nations children, families, and communities.

● (1900)

**Mr. Charlie Angus:** Mr. Speaker, the question of protecting the rights of children is the fundamental question before us. Edmund Metatawabin, who survived St. Anne's residential school and has been such a powerful voice for justice, who has tried again and again to speak with the indigenous affairs minister and the justice minister over the abuse of rights and the re-victimization of the survivors of St. Anne's said something extremely powerful when we were dealing with the suicide crisis in Mushkegowuk territory. He said that the road from St. Anne's residential school to the suicide crisis of the young people today is a straight road and we can follow that road through the injustice that has been suffered.

*Adjournment Proceedings*

For the young generation who are being taken from their homes in Treaty 9 territory and put into the broken foster care system and we have had 11 young deaths just recently, to a government that is in Ontario Superior Court saying that the basic right of law for survivors of St. Anne's—

**The Assistant Deputy Speaker (Mr. Anthony Rota):** The hon. parliamentary secretary.

**Mr. Don Rusnak:** Mr. Speaker, our government is focused on overhauling the system to ensure adequate and effective funding to protect the health and safety of first nations children. We have invested \$635 million to child welfare supports through budget 2016, however, we know that more must be done. It is going to take a lot more money to solve this crisis. A systemic problem of this magnitude calls for systematic reform.

We are working with first nations partners to help develop a vision for and implement a complete transformation of the first nations child and family services.

Our government will continue the work required to ensure that we always take a child-first approach to support first nations children and their communities.

## NATURAL RESOURCES

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, it is an honour to rise this evening in adjournment proceedings to pursue a question that I asked on September 20. It was to the Minister of Natural Resources. As congenial as it was, I did not find the answer satisfactory, because it did not actually answer my question.

My question related to the changes made in the spring of 2012 to Canada's National Energy Board Act and the Canadian Environmental Assessment Act. The Canadian Environmental Assessment Act, which had existed since the early 1990s, was repealed. That was a tragedy that I hope we will see reversed, but I am afraid that the train of the debate tonight will reveal my very diminishing hopes that we will see our laws restored to what they were in 2006.

One aspect of what the previous Conservative government did in its omnibus budget bill, Bill C-38, was to massively change the way environmental assessments were pursued. One part of that was to say—and this was never defended as a policy choice, and no rationale was ever offered—that we should treat certain energy projects as distinct from all other projects in terms of environmental review under federal law. Pipelines, for the first time, had environmental reviews done by the National Energy Board, offshore drilling had environmental reviews assigned to the offshore petroleum boards from Atlantic Canada, and changes to new projects that involved nuclear energy would have environmental reviews by the Canadian Nuclear Safety Commission. This was unheard of.

What I pointed out in my question to the minister on September 20 was that the National Energy Board, in doing environmental reviews on pipelines, was showing a much greater willingness to approve a project that interfered with caribou habitat than when Environment Canada reviewed a mining project in the same region with the same caribou herd. Mining projects were given a much rougher ride than pipeline projects. My question to the minister was if he would confirm that the National Energy Board would get out of

environmental assessments once and for all. That was the expert advice given to the new government by two different expert panels: one expert panel on the National Energy Board and another on the Canadian Environmental Assessment Act. Both expert panels said that the National Energy Board should get out of environmental reviews.

The National Energy Board is not an institution that knows how to do environmental reviews. The National Energy Board expert panel said very clearly that the board should be renamed the Canadian energy transmission commission; its mandate should be clearer; and it should be doing more to explain what it means by “national interest” than it has in the way it has been operating for the last number of years. Under the topic of environmental assessment review, the environmental assessment expert panel recommended putting one agency in charge and giving it quasi-judicial status. The National Energy Board has quasi-judicial status and the Environmental Assessment Agency should have it.

To me, it has been devastating to watch the government ignore the reports of two different expert panels. I say it has ignored them because it has not responded to them. A discussion document pushed together four different reviews. The discussion document came out at the end of June, but it was very clear that the government had no intention of fixing environmental assessment and getting the National Energy Board out of environmental assessment, because the discussion document said that the National Energy Board, the offshore petroleum boards, and the Canadian Nuclear Safety Commission would be involved in environmental reviews, working alongside a revised Canadian Environmental Assessment Agency.

Can the parliamentary secretary confirm that the government is interested in fixing this problem and getting the NEB out of environmental assessments?

● (1905)

**Ms. Kim Rudd (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Mr. Speaker, there is an old axiom that states “Much can be said on both sides.” We have seen that with the comments coming from members opposite. On one side, we have the official opposition demanding the status quo for the National Energy Board, arguing that what is not broken does not require fixing. On the other side, we have heard from those, like the member for Saanich—Gulf Islands, who insist that nothing less than a complete overhaul of the federal regulator will do. Such is the range of opinions on that side of the House.

Our government has opted for a more measured approach to modernizing the National Energy Board, taking the time to consult with Canadians from all walks of life and from all parts of the country. We saw how well our approach worked with Generation Energy. More than 380,000 Canadians from across the country, and indeed around the world, participated in the conversation to imagine Canada's energy future. Another 650 Canadians advanced those discussions at a two-day forum in Winnipeg this fall.

We have been doing the exact same thing with the National Energy Board, listening carefully and engaging constructively. Why? Because we recognized when we came to office that we needed to restore the competence of Canadians in the way major resource projects were being assessed. We have been doing just that, step by step, first with an interim strategy and then with a comprehensive review.

As the member mentioned, we have since published our discussion paper on the proposed approach, an approach that honours our commitment to advance reconciliation with indigenous peoples, protect the environment, and ensure greater investment certainty. Soon, we will introduce that legislation. That legislation reflects the feedback we received.

It will include modernizing the National Energy Board to ensure it serves the needs of Canadians into the future. It will reflect regional views and have sufficient expertise in fields such as environmental science, community development, and indigenous traditional knowledge.

Our government's vision is clear, and it is built upon three key pillars: economic prosperity, environmental protection, and indigenous partnerships. By rebuilding public trust, re-engaging with indigenous peoples, and revamping the regulatory process, we can create the conditions to ensure that good resource projects go ahead and get our resources to market.

The early results bear that out. On our watch, we have approved major resource projects that will grow the economy, spur billions of dollars in new investments, and create thousands of jobs, even as they also demand greater environmental performance.

We are delivering for Canadians in the energy sector. We are delivering on the economy. We are delivering for the environment.

● (1910)

**Ms. Elizabeth May:** Mr. Speaker, it certainly is appalling to hear that the promises made by the Liberals in the platform and in the

### *Adjournment Proceedings*

campaign have now become my views and the opposition, for which I hold them to too high a standard. I am holding them to their election promises. I recall clearly the current Prime Minister saying on the campaign trail that no project could be approved based on the broken process it was now going through. That broken process was allowing the National Energy Board to do environmental assessments.

The Liberals say they have consulted. Yes, they have consulted. They have spent, I am sure, millions of dollars on the expert panels that went across the country and gave them very specific recommendations, which they appear now to be ready to completely ignore.

I implore the parliamentary secretary to speak to the minister and ensure that the National Energy Board has no role in environmental assessments. It is ill-equipped and incompetent to do such a review.

**Ms. Kim Rudd:** Mr. Speaker, I would ask the member opposite to perhaps hold her fire until she has seen the new legislation. Until then, our government's track record speaks for itself. Over the past two years, our government has been approving major resource projects that will create thousands of jobs in the energy sector, while ensuring a more robust environmental stewardship. Our government does not view resource development as an either or proposition.

We see economic prosperity and environmental protection as two sides of the same coin and equal components of a single engine for innovation, growth, and jobs.

[*Translation*]

**The Assistant Deputy Speaker (Mr. Anthony Rota):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:12 p.m.)



# CONTENTS

Tuesday, December 5, 2017

## ROUTINE PROCEEDINGS

### Indigenous Affairs

Ms. Jones ..... 15989

### Petitions

#### Falun Gong and Falun Dafa

Ms. May (Saanich—Gulf Islands) ..... 15989

### Questions on the Order Paper

Mr. Lamoureux ..... 15989

### Privilege

#### Commissioner of Official Languages—Speaker's Ruling

The Speaker ..... 15989

#### Statements by Minister of Revenue regarding the Disability Tax Credit

Mr. Kelly ..... 15989

Mr. Lamoureux ..... 15991

Mr. Julian ..... 15991

## GOVERNMENT ORDERS

### Access to Information Act

#### Bill C-58—Time Allocation Motion

Ms. Bibeau ..... 15991

Mr. Kent ..... 15991

Mr. Brison ..... 15991

Mr. Julian ..... 15992

Ms. May (Saanich—Gulf Islands) ..... 15992

Ms. Gladu ..... 15992

Mr. Aubin ..... 15993

Ms. Murray ..... 15993

Mr. Lukiwski ..... 15993

Mr. Dusseault ..... 15994

Mr. Davies ..... 15994

Ms. Quach ..... 15994

Ms. Sansoucy ..... 15995

Mr. Dreeshen ..... 15995

Motion agreed to ..... 15996

#### Third Reading

Bill C-58. Third reading ..... 15996

Mr. Lamoureux ..... 15997

Mr. Deltell ..... 15997

Ms. Sansoucy ..... 15997

Mr. Berthold ..... 15997

Mr. Samson ..... 15997

Mr. Albrecht ..... 15998

Mr. Dusseault ..... 15999

Mr. Gerretsen ..... 15999

Mr. Lamoureux ..... 15999

Mr. Albrecht ..... 16000

Mr. Aubin ..... 16001

Mr. Berthold ..... 16001

Ms. Ludwig ..... 16003

Ms. Sansoucy ..... 16004

Mr. Kent ..... 16004

Mr. Brassard ..... 16004

Mr. Lamoureux ..... 16005

Mr. Kent ..... 16005

Mr. Bratina ..... 16006

Mr. Berthold ..... 16007

Mr. Rayes ..... 16007

Mr. Cullen ..... 16008

Ms. Murray ..... 16009

Ms. Murray ..... 16009

Mr. Dreeshen ..... 16011

Ms. Quach ..... 16011

Mr. Cullen ..... 16012

Mr. Cullen ..... 16012

Mr. Lamoureux ..... 16014

Mr. Brassard ..... 16014

Mr. Rankin ..... 16015

## STATEMENTS BY MEMBERS

### Organizations in Saint-Laurent

Ms. Lambropoulos ..... 16016

### Immigration, Refugees and Citizenship

Mr. Allison ..... 16016

### Church Fundraiser

Mr. Peschisolido ..... 16017

### Domestic Violence

Ms. Sansoucy ..... 16017

### Carlton Munroe

Mr. Fraser (Central Nova) ..... 16017

### Correctional Service Canada

Mr. Trost ..... 16017

### Crimea

Mr. DeCoursey ..... 16017

### Gaétan Serré

Mr. Serré ..... 16018

### Slovakia

Ms. Rempel ..... 16018

### Indigenous Affairs

Ms. Goldsmith-Jones ..... 16018

### Human Trafficking

Mrs. Caesar-Chavannes ..... 16018

### Crossroads International

Mr. Aboutaif ..... 16018

### Halifax

Mr. Fillmore ..... 16019

### Pensions

Mr. Dusseault ..... 16019

<b>Firefighters</b>	
Mr. Arnold .....	16019
<b>International Volunteer Day</b>	
Mr. Iacono .....	16019

## ORAL QUESTIONS

<b>Taxation</b>	
Ms. Raitt .....	16019
Mr. LeBlanc .....	16019
Ms. Raitt .....	16020
Mr. LeBlanc .....	16020
Ms. Raitt .....	16020
Mr. LeBlanc .....	16020
Mr. Rayes .....	16020
Mr. LeBlanc .....	16020
Mr. Rayes .....	16020
Mr. LeBlanc .....	16020

<b>International Trade</b>	
Mr. Caron .....	16020
Ms. Hajdu .....	16021
Mr. Caron .....	16021
Ms. Joly .....	16021
Ms. Ramsey .....	16021
Ms. Hajdu .....	16021
Ms. Ramsey .....	16021
Ms. Hajdu .....	16021

<b>Ethics</b>	
Mr. Deltell .....	16021
Mr. Lightbound .....	16021
Mr. Deltell .....	16022
Mr. Lightbound .....	16022
Ms. Bergen .....	16022
Mr. Lightbound .....	16022
Ms. Bergen .....	16022
Mr. Lightbound .....	16022
Mr. Poilievre .....	16022
Mr. Lightbound .....	16022

<b>Taxation</b>	
Mr. Poilievre .....	16023
Mr. Lightbound .....	16023
Ms. Hardcastle .....	16023
Mrs. Lebouthillier .....	16023
Mr. Dusseault .....	16023
Mrs. Lebouthillier .....	16023

<b>Persons with Disabilities</b>	
Mrs. Vecchio .....	16023
Mr. Hehr .....	16023
Mrs. Vecchio .....	16023
Mr. Hehr .....	16023

<b>Canada Revenue Agency</b>	
Mr. Berthold .....	16023
Mrs. Lebouthillier .....	16024
Mr. Kelly .....	16024
Mrs. Lebouthillier .....	16024

<b>Veterans Affairs</b>	
Ms. Mathysen .....	16024
Mr. O'Regan .....	16024

<b>Privacy</b>	
Mr. Dubé .....	16024
Mr. Goodale .....	16024

<b>Social Development</b>	
Mr. Gerretsen .....	16024
Mr. Duclos .....	16024

<b>Taxation</b>	
Ms. Gladu .....	16025
Mrs. Lebouthillier .....	16025
Mr. Bernier .....	16025
Mrs. Lebouthillier .....	16025
Mr. Albas .....	16025
Mrs. Lebouthillier .....	16025
Mr. Albas .....	16025
Mrs. Lebouthillier .....	16025

<b>Public Services and Procurement</b>	
Ms. Sansoucy .....	16025
Ms. Qualtrough .....	16025
Mr. Weir .....	16026
Ms. Qualtrough .....	16026

<b>Veterans Affairs</b>	
Mr. Brassard .....	16026
Mr. O'Regan .....	16026
Mr. Paul-Hus .....	16026
Mr. O'Regan .....	16026
Mr. McColeman .....	16026
Mr. O'Regan .....	16026

<b>Employment</b>	
Mr. Easter .....	16026
Ms. Hajdu .....	16027

<b>Innovation, Science and Economic Development</b>	
Mr. Jeneroux .....	16027
Mr. Lametti .....	16027

<b>Fisheries and Oceans</b>	
Mr. Donnelly .....	16027
Mr. LeBlanc .....	16027

<b>Canadian Heritage</b>	
Mr. Fisher .....	16027
Ms. Joly .....	16027

<b>Foreign Affairs</b>	
Ms. Rempel .....	16027
Mr. Goodale .....	16027

<b>Employment Insurance</b>	
Mr. Marcil .....	16028
Mr. Duclos .....	16028

<b>Public Services and Procurement</b>	
Mr. Boudrias .....	16028
Mr. Sajjan .....	16028

## GOVERNMENT ORDERS

### Wrecked, Abandoned or Hazardous Vessels Act

(Bill C-64. On the Order: Government Orders:)	16028
Ms. Malcolmson	16028
Motion	16028
(Motion agreed to, bill read the second time, and referred to a committee)	16028

### Access to Information Act

Bill C-58. Third reading	16028
Mr. Albas	16028
Mr. Gerretsen	16029
Mr. Lamoureux	16030
Mr. Albrecht	16030
Ms. Boutin-Sweet	16030
Motion	16030
(Motion agreed to)	16030
Mrs. McLeod (Kamloops—Thompson—Cariboo)	16030
Ms. Dabrusin	16032
Mr. Lukiwski	16032
Mr. Fillmore	16032
Mr. Zimmer	16032
Ms. Dabrusin	16034
Mr. Garrison	16034
Mr. Kelly	16034
Mr. Albrecht	16034
Mr. Lamoureux	16036
Mr. Donnelly	16036
Mr. Doherty	16037
Mr. Fillmore	16039
Mr. Garrison	16039
Mr. Lamoureux	16040
Mr. Kelly	16040
Ms. Duncan (Edmonton Strathcona)	16040
Mr. Lamoureux	16041
Mr. Albrecht	16042

Mr. Blaikie	16042
Mr. Lamoureux	16043
Mr. Lukiwski	16044
Mr. Lukiwski	16044
Mr. Lamoureux	16045
Mr. Weir	16046
Mr. McCauley	16046
Mr. Gerretsen	16048
Mr. Garrison	16048
Mr. Weir	16049
Division deemed demanded and deferred	16050

## PRIVATE MEMBERS' BUSINESS

### United Nations Declaration on the Rights of Indigenous Peoples Act

Mr. Saganash	16050
Bill C-262. Second reading	16050
Mrs. McLeod (Kamloops—Thompson—Cariboo)	16051
Mr. Anandasangaree	16051
Ms. Jones	16052
Mrs. McLeod (Kamloops—Thompson—Cariboo)	16053
Ms. Boutin-Sweet	16054
Mr. Rusnak	16056

## ADJOURNMENT PROCEEDINGS

### Taxation

Mr. Richards	16057
Mrs. Lockhart	16057

### Indigenous Affairs

Mr. Angus	16058
Mr. Rusnak	16059

### Natural Resources

Ms. May (Saanich—Gulf Islands)	16060
Ms. Rudd	16060

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