



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, March 12, 2009**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, March 12, 2009

The House met at 10 a.m.

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*Prayers*

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• (1005)

[English]

## POINTS OF ORDER

### ORAL QUESTIONS—SPEAKER'S RULING

**The Speaker:** I am now prepared to rule on the point of order raised by the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord concerning remarks made during question period on Thursday, February 26, 2009, by the Minister of Intergovernmental Affairs. Since the hon. member for Bas-Richelieu—Nicolet—Bécancour raised a point of order on March 5 concerning very similar remarks made that day, I will also rule on that matter in this ruling.

[Translation]

In his submission, the member for Montmorency—Charlevoix—Haute-Côte-Nord stated that in response to a question he put to the hon. minister, and following her reply to a question posed by the hon. member for Québec, the minister had said that “threats and calls for violence are not part of Quebec's values. That is more like the Bloc's ideology.” I am referring to the House of Commons Debates at page 1038.

The member went on to say that these remarks were offensive, that the Bloc Québécois has always denounced all calls for violence of any kind and, consequently, that to accuse the Bloc Québécois of supporting threats and acts of violence was unparliamentary. The member for Montmorency—Charlevoix—Haute-Côte-Nord felt that the remarks were in contravention of Standing Order 18, and asked the Chair to rule the hon. minister's remarks unparliamentary and require her to withdraw them.

[English]

In replying to the point of order, the hon. Parliamentary Secretary to the Prime Minister said that the minister's comments were in reference to the newspaper *Le Québécois*, the content of which he found offensive. He noted that members of the Bloc Québécois had purchased advertisements in the paper.

[Translation]

In raising his point of order on March 5, 2009, the member for Bas-Richelieu—Nicolet—Bécancour stated that he felt that the use of the terms “extremists” and “promotes violence” in reference to the Bloc Québécois that day by the hon. member for Saint-Boniface during statements by members and by the Parliamentary Secretary to the Prime Minister during oral questions were also directed to him as a member of that political party. He expressed his belief that the use of such language should be condemned.

[English]

As I have stated in the past, it is the duty of the Speaker to ensure that all debates in the House are conducted with a certain degree of civility and mutual respect in keeping with established practice in this House. *House of Commons Procedure and Practice* states at page 503:

Members are to show respect for one another and for different viewpoints; offensive or rude behaviour or language is not tolerated. Emotions are to be expressed in words rather than acted out; opinions are to be expressed with civility.

It goes on to mention on page 526:

Although an expression may be found to be acceptable, the Speaker has cautioned that any language which leads to disorder in the House should not be used. Expressions which are considered unparliamentary when applied to an individual Member have not always been considered so when applied “in a generic sense” or to a party.

[Translation]

At the same time, it should be remembered that proceedings in this House are based on a long-standing tradition of respect for the integrity of all members. In addition, *House of Commons Procedure and Practice* states at page 526:

In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the member speaking; the person to whom the words were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber.

In the case before us, it may appear that the remarks made by the hon. Minister for Intergovernmental Affairs, the member for Saint-Boniface and the Parliamentary Secretary to the Prime Minister, because they were directed to a party rather than an individual member, were not unparliamentary in a narrow, technical sense. However, they were undoubtedly intended to be provocative and they clearly created disorder.

*Speaker's Ruling*

[English]

It should be noted that a considerable body of precedents has developed over the years with respect to statements by members. Not only are personal attacks prohibited, but *House of Commons Procedure and Practice* states at page 364:

The Speaker has cut off an individual statement and asked the Member to resume his or her seat when

offensive language has been used;

a Senator has been attacked;

the actions of the Senate have been criticized;

a ruling of a court has been denounced; and

the character of a judge has been attacked.

The Speaker has also cautioned Members not to use this period to make defamatory comments about non-Members, nor to use the verbatim remarks of a private citizen as a statement, nor to make statements of a commercial nature.

I draw this particular quote to the attention of all hon. members and urge them to have a look at that before statements today at 2 o'clock.

It is, therefore, in the strongest possible terms that I encourage members to refrain from these sorts of remarks in the future. The Standing Orders provide the Speaker with considerable authority to preserve order and decorum and the Chair wishes to make it perfectly clear that transgressors risk being cut off by the Chair. All members must realize that such provocative commentary only invites equally inflammatory responses and contributes greatly to the lowering of the tone of our proceedings. In recent weeks I have been obliged to intervene more than once to remind members on both sides of the House of the standards of order and decorum which are expected of them both by the traditions of the House and by their constituents. Once again, I reiterate the need for proper decorum and temperate language in the House.

[Translation]

The hon. whip of the Bloc Québécois on a point of order.

• (1010)

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, I cannot appeal your ruling, nor do I wish to, but I did ask for corrective action. With all due respect, it seems to me that you have not made it clear enough whether you want the minister to withdraw her offensive statements.

You have distinguished between remarks directed to an individual and remarks directed to a party. Depending on your response, and with your permission, I might have a statement to make, but we do not understand what sanction, if any, you have imposed by your ruling.

**The Speaker:** I am sure that the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord has an opinion on the matter. I have delivered my ruling, but if he wishes to speak again, the Speaker is very patient when it comes to such interventions.

The hon. member for Montmorency—Charlevoix—Haute-Côte-Nord on another point of order.

**Mr. Michel Guimond:** Mr. Speaker, if I understand you correctly, it would be acceptable for me to say in the House that homophobia, racism and xenophobia, while not Quebec values, do indeed figure

in the Conservative Party of Canada's ideology. Thank you, Mr. Speaker.

**The Speaker:** That was clearly not a point of order.

I indicated that certain words are unacceptable, and that I would take steps in the future to ensure that this does not happen again.

I decided that a government response was not required at this time because I believe that, for the reasons I expressed in my ruling, the rules were not exactly broken in this case.

That being said, there may be problems later on, but I hope that there will not. The case the hon. member just referred to is an example of the kind of problems we might have if people continue to make statements like those we have heard in the House.

The hon. member for Bas-Richelieu—Nicolet—Bécancour also wants to raise a point of order.

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Mr. Speaker, concerning the same point of order, I think you have hit the nail on the head. That means that your ruling can result in an escalation of totally unacceptable statements such as the one my colleague has just made. It strikes me—and I think everyone else as well—as unacceptable but it could become acceptable because of the ruling you have just given.

I have been here 25 years and I think we are starting to escalate toward language that is absolutely inappropriate for a chamber that supports democracy and debates to solve problems, rather than violence. If we are violent people we cannot sit in this place, because here we subscribe to debate. So it is one or the other: either violent people need to be excluded, or those who say that others are violent need to withdraw their words. If it is one thing or the other, there cannot be a middle of the road ruling.

I would remind you, Mr. Speaker, that the whole thing started with an ad that certain members apparently placed in a newspaper. One of the newspaper's editors had apparently made some violent statements on radio or TV, but apparently never in the publication. Regardless, what I want to say is does this mean that if I, for example, take out an ad for a group of students taking a ski trip, and they commit acts of violence during that ski trip, that because I took out an ad in the program that described their ski trip, I become a proponent of violence? Not in the least. It is just a matter of placing an ad.

It is precisely because of a harmless act like that that a group of MPs have ended up being accused of being violent. Not only has the word "extremists" been used, but in addition a member spoke of people promoting violence against us, and that is unacceptable. An end must be put to it immediately. Otherwise there will be an escalation of accusations, and the democratic debates held here cannot help but suffer as a result.

•(1015)

**The Speaker:** I appreciate the comments by the hon. members on this, but I have delivered my ruling on this matter. I can take a second look at the words used, but I have expressed an opinion on this matter and, in my estimation, the debate is closed for the time being. The points raised by the hon. members will be considered by the Chair.

## ROUTINE PROCEEDINGS

[English]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 37 petitions

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### CRIMINAL CODE

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC)** moved for leave to introduce Bill C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

(Motions deemed adopted, bill read the first time and printed)

\* \* \*

### COMMITTEES OF THE HOUSE

#### ACCESS TO INFORMATION, PRIVACY AND ETHICS

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Access to Information, Privacy and Ethics.

This report addresses correspondence from the public inquiry being conducted by Justice Oliphant in regard to the privileges, powers and immunities of Parliament and whether or not testimony and other transcripts and materials from committee hearings can be used in their proceedings.

This report recommends to the House to reaffirm the privileges, powers and immunities of the House of Commons without change.

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### EXCISE TAX ACT

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP)** moved for leave to introduce Bill C-341, An Act to amend the Excise Tax Act (feminine hygiene products).

She said: Mr. Speaker, I am pleased to reintroduce a bill to remove the GST on feminine hygiene products. I had hoped it would have become law by now because the Conservatives had promised to get rid of this unfair gender tax when they were in opposition. After three years in power, the government still has failed to deliver for Canadian women.

This bill would remove the GST on feminine hygiene products because it affects women only. It unfairly disadvantages women

### Routine Proceedings

financially solely because of their reproductive role. This bill would restore fairness to the benefit of all Canadian women, particularly those on lower incomes.

I hope the House will work with us to ensure we remove this unfair gender tax on tampons as soon as possible.

(Motions deemed adopted, bill read the first time and printed)

\* \* \*

•(1020)

### COMMITTEES OF THE HOUSE

#### ACCESS TO INFORMATION, PRIVACY AND ETHICS

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, earlier today I tabled the third report of the Standing Committee on Access to Information, Privacy and Ethics. There have been consultations among all parties and I think, if you were to seek it, you would find unanimous consent to concur in the third report of said committee.

**The Speaker:** Does the hon. member for Mississauga South have the unanimous consent of the House to propose this 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)

#### STATUS OF WOMEN

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, there have been consultations among all parties and I move:

That, notwithstanding any standing order or usual practices of the House, during the debate tonight on the motion to concur in the first report of the Standing Committee on Status of Women, the Chair shall not receive any quorum calls, dilatory motions, or requests for unanimous consent; at the end of the time remaining for the debate, or when no member rises to speak, the motion shall be deemed adopted.

**The Speaker:** Does the hon. government House leader have the unanimous consent of the House to propose this 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)

#### FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP)** moved that the third report of the Standing Committee on Foreign Affairs and International Development presented on Thursday, February 26, 2009, be concurred in.

He said: I will be sharing my time this morning with my good friend from Burnaby—Douglas.

*Routine Proceedings*

It seems that time passes very quickly. Just a year ago, on March 11, at the meeting of the Subcommittee of the Standing Committee on Foreign Affairs and International Development I moved a motion to study the case of Omar Khadr and to submit our findings and recommendations to the main committee. I moved that motion to study the case of Omar Khadr because the handling of his case is so fundamental to Canadians' very sense of what is just and their expectations that Canada will assume its responsibilities under the international covenants it signs.

Mr. Speaker, you will know that the foreign affairs and international development committee has—

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a point of order. I am always somewhat hesitant to interfere with the proceedings of the Chair but I would point out to the Speaker that Standing Order 66(3) states:

Not more than one motion for the concurrence in a report from a standing or special committee may be moved on any sitting day.

Therefore, I would respectfully suggest that the hon. member's second concurrence is out of order and that we should not be debating this particular report today.

**The Speaker:** The parliamentary secretary does raise a point but the first motion for concurrence was passed by unanimous consent, so there was not a second one moved in that sense. We had unanimous consent to allow the motion to go through.

**Hon. Jay Hill:** It was still moved, Mr. Speaker.

**The Speaker:** It was still moved but it was done with the unanimous consent of the House. This point has never been raised before, in my experience, as a reason for not allowing these other motions to proceed. The rule, as I understood it, was to prevent two motions for concurrence, so that one could not move one and then have a three hour debate, if I am not mistaken, and then move a second one. That is the hitch.

In that sense, I think the parliamentary secretary is correct but when one is done by unanimous consent and without debate, I am not sure the Standing Order was intended to deal with that situation.

**Mr. Tom Lukiwski:** Mr. Speaker, while I respect your interpretation of the Standing Orders, the Standing Orders merely state that not more than one concurrence motion can be moved on any sitting day. It does not talk about unanimous consent nor does not talk about any other factors. It merely states, quite literally, that not more than one concurrence motion can be moved on any sitting day.

I would suggest, quite respectfully, that the concurrence motion of the hon. member who was just speaking is out of order with the intent of the Standing Orders by which we all must abide in this House.

• (1025)

**The Speaker:** I can sympathize with the hon. member's argument but it is a new one. It has never been advanced before, to my knowledge, under this Standing Order. It would mean that if we had five concurrence motions in one day for consent, the Chair would need to refuse to allow them to be moved. That is the effect of the hon. member's argument.

I do not believe that is the case. I think if the House does something by unanimous consent, it does not count. When the House gives its unanimous consent, I think it means that, notwithstanding any Standing Order, we are doing this. For that reason, I think the motion before us is likely in order, despite the very able argument of the hon. parliamentary secretary.

**Mr. Tom Lukiwski:** Mr. Speaker, this, obviously, is not to challenge any ruling of the Chair but I would point out, since there seems to be some ambiguity about the interpretation, that perhaps this matter would be best left to the Committee on Procedure and House Affairs where we can study it.

I would point out that we follow the rules as written. I also would point out that the hon. member who raised the first concurrence motion did not say "notwithstanding" as per usual practice or Standing Orders as per usual practice.

Again, it seems to reinforce my argument that we follow the literal interpretation of the Standing Orders and only allow the one concurrence motion to be introduced this very day.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I deliberately moved that motion at the appropriate time during routine proceedings of motions. The issue of unanimous consent was simply an indication that I had not intended to debate it but that I did want it to be dealt with.

Having said that, any member has the opportunity to rise at any time during the proceedings of the House under a point of order to seek the unanimous consent for any item. I tend to concur with the parliamentary secretary with regard to the problem of having many reports not being able to be addressed under unanimous consent. There are options to deal with that.

I would suggest that we have had a motion for concurrence in the report and that we should move back to government orders.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I agree with that. I think your interpretation is entirely correct. The parliamentary secretary is obviously trying to get away from dealing with this legitimate piece of business in terms of the motion before us.

The *House of Commons Procedure and Practice* book is quite clear. On page 497, where it talks about what unanimous consent involves. It states:

Perhaps the most common application of unanimous consent is to escape the notice provisions of the Standing Orders.

It goes on from there. The parliamentary secretary can, if he wants, go back to the procedure and House affairs committee to have some further discussion, but what you, Mr. Speaker, have outlined today is perfectly in order and we should continue with debate on the motion.

*Routine Proceedings*

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, I find this issue very interesting. I would suggest, Mr. Speaker, with respect to your concern, that, in the same way that we have developed a certain set of phrases within this House as common practice so that we respect the Standing Orders, the rules of the House and the previous rules of yourself and previous Speakers, we have certain phrases that we use. I would suggest, for your consideration, with respect to your concern, that we could probably come up with a five or six word sentence that would cover that issue that you raised so ably.

**The Speaker:** The Chair's position is that these kinds of motions have been moved before. I am sure there are dozens of precedents where they were moved on days after the unanimous consent for a number of concurrence motions were put before.

Concurrence in reports of the procedure and House affairs committee are common on unanimous consent, particularly those that deal with membership in committees. If one of those motions passed and then a member stood up to move concurrence in another report that was the subject of debate, it was argued as being out of order because the previous motion had been dealt with, I think we would have been in some difficulty.

I cannot go through the number of times this has happened because I do not have it at my fingertips, but I am sure it is a frequent occurrence.

I would suggest that we proceed with the debate at this moment, and the Parliamentary Secretary to the Leader of the Government in the House of Commons should raise this matter with the procedure and House affairs committee. I love its reports. The hon. member knows of my interest in its work. I once was the chairman of that committee and had a wonderful time dealing with suggested rule changes in the House.

Of course, the Speaker is the servant of the House and abides by the rules meticulously. I would be delighted if my interpretation of these is incorrect in the eyes of the committee and it wants to clarify the matter for future debate in the chamber.

In the circumstances, we will proceed and hear the hon. member for Hamilton East—Stoney Creek make his remarks.

• (1030)

**Mr. Wayne Marston:** Mr. Speaker, thank you for your very wise ruling.

As I was saying when the interruption occurred, members will know that the foreign affairs and international development committee recently retabled the 2008 subcommittee report on the Omar Khadr case. In fact, we were previously debating concurrence in that particular report the very day the House was prorogued in the fall. It is the same conclusions and recommendations from that 2008 subcommittee report contained in this retabled report that I am seeking concurrence in today.

Prior to the subcommittee undertaking its look at the Omar Khadr case, there were few voices in Canada speaking out for justice for him. I am proud to say that of the few voices speaking out on this case, the most consistent were from the NDP. The members for Windsor—Tecumseh, Burnaby—Douglas and Ottawa Centre were

there among those very few voices speaking out in this House, and good members of the Bloc also were raising concerns about the Omar Khadr case.

To be very clear, this was not a popular case because of the Khadr name. In the court of public opinion, Omar Khadr was not faring well. Canadians knew the Khadr name but in truth they had few facts and little idea of the boy's actual predicament. Once the facts started to become known, Canadians' sense of fairness started to show itself.

I began my first intervention at the subcommittee by stating the fact that Omar Khadr's government had not given him the help all Canadian citizens deserve and that this was absolutely deplorable. I truly expected that once informed of the facts of this case, Canadians would genuinely be moved by Omar's story. Once they heard that at the time of his capture, Omar Khadr was a boy, a child soldier of 15 years of age, and also when Canadians heard how he was shot twice in the back and nearly executed by American special forces, they would be moved. When television networks like the CBC decided to tell his story to Canadians and when they saw the wounds on television, they would be moved.

Once they learned the story, Canadians began to become very concerned about this case. As they learned the conditions he was held under as a prisoner at Guantanamo Bay, their concern increased. Finally, when Canadians saw those tapes last year clearly showing a boy of 16 anguished as he realized the people from Canada he had hoped would help him become free were there instead to interrogate him, as that boy cried out for help, that was when Canadians truly felt for Omar Khadr.

I believe the position repeatedly espoused by the Conservative government in this House is flawed. It is flawed because it hinges on one single point, that being the Conservative government will not accept that Omar Khadr was a child combatant at the time of his capture. If the Conservative government or the Liberal government before it ever accepted that premise, it would have been incumbent upon them to petition first the Bush, and now the Obama, administration to return him to Canada. Once returned to Canada, his case would proceed here under the Canadian judicial system.

That is why we heard over and over during question period in this House such a flat response from the government. I offer here today that the government's often repeated response was as passionless as its original view of Omar Khadr.

I will turn now to a few other facts in this case, some that came to light during the subcommittee's review.

While in custody, Omar Khadr had to cope with what the Americans called enhanced interrogation techniques. In addition, for over six years at Guantanamo Bay, Omar Khadr was held with adult detainees. Now he faces the very possibility of life in prison in Fort Leavenworth, Kansas, in the United States.

Witnesses before our committee offered compelling views of his case and its implications for Canada. One very passionate witness, Senator Roméo Dallaire, said that Canada is headed down a slippery slope by failing to obey the United Nations conventions on child soldiers to which it is a signatory.

Senator Dallaire said:

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[T]he minute you start playing with human rights, with conventions, and with civil liberties in order to say you're doing it to protect yourself...you are no better than the guy who doesn't believe in them at all.

I agree. Case after case that we have heard of late offer evidence that Canada has indeed started down that slippery slope, even to the degree that Canada appears to have been complicit in torture by proxy.

• (1035)

This is certainly not how Canadians want their government to act.

Another witness before the human rights subcommittee, former United States special prosecutor for the UN war crimes trial in Sierra Leone, Mr. David Crane, testified that he believes Khadr should be treated as a child soldier. Mr. Crane gave testimony before the committee that, during the Sierra Leone war crimes trials, he refused to prosecute 8,000 child soldiers. Mr. Crane said he thought it was important to bring Khadr back and to have his case fairly and openly considered in Canada.

Mr. Crane went on to testify that no child has the requisite mental capability of this situation, regardless of whether they volunteer or not. I believe and many other better-informed professional Canadians agree with Mr. Crane's observations.

I have said before in this place that our democracy is a very fragile thing. I also believe that Canadians often fail to realize this point. Perhaps it is understandable because, to get our Constitution, all that Canadian governments had to do was write a nice letter to our Queen.

Canada's veterans of foreign wars will tell you very quickly the cost of protecting and sustaining our democracy. Today, Canadian Forces in Afghanistan are tasked with enhancing the conditions under which a democracy might flourish there. Is it not ironic that the very government that has Canadian troops fighting in Afghanistan to protect the rights of the Afghan people will not protect the rights of Canadian citizen Omar Khadr, rights guaranteed under United Nations covenants to which Canada is a signatory?

Internal reports released last year from Canadian officials who visited Khadr state that Omar Khadr is a "good kid" and that they believe he has not been radicalized. Also, according to the same reports, Mr. Khadr clearly understands that he is in Guantanamo because of his family. The government, along with accepting that Omar Khadr is a child soldier, would do well to also accept that he was in the area of combat solely due to his father leaving him with a group of fighters.

Our subcommittee, as well as supporters of Omar Khadr, whether it is community or legal representatives, took into account the concerns of Canadians as we moved forward with our report. We understood that evidence that Omar Khadr is not a threat was an opinion. Having recognized this, the subcommittee, beyond its own conclusions, decided on a series of recommendations to support Omar Khadr to address those important community concerns.

At this point, I would reiterate some of those conclusions.

They obviously recommended the termination of the military commissions, which has taken place under Mr. Obama. They object to the position stated by the United States that it reserves the right to

detain Omar Khadr beyond the commissions. They recommend that the Government of Canada demand Omar's release from U.S. custody to the custody of Canadian law enforcement and that it call on the director of public prosecutions, and so on.

I will conclude, Mr. Speaker.

In particular, the subcommittee calls on the relevant Canadian authorities to ensure the appropriate rehabilitation of Omar Khadr. I submit to the House today that Omar Khadr is salvageable. All he wants from his country and government is another chance. Witness after witness before the Subcommittee on International Human Rights said that Canada must petition the U.S. to repatriate Omar Khadr.

The Supreme Court of Canada has said that Omar Khadr's rights have been violated. The Supreme Court of the United States has said that the rights of detainees in Guantanamo have been violated. As his first act, President Obama has moved to right the wrong that was Guantanamo and order the facility closed.

Canadian officials are saying that Omar Khadr is not a threat and instead is a victim of his upbringing. After six years and two successive governments failing Omar Khadr, it is time for the government to do the right thing.

I will close with the following question, asked so many times in various forms in this place. When will the Prime Minister listen—

• (1040)

**The Deputy Speaker:** Order. The time has expired for the hon. member's speech. We will move on to questions and comments.

The hon. member for Timmins—James Bay.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I listened with great interest to my colleague's speech. He has been absolutely passionate about this issue. It is an issue that I think many Canadians are finding increasingly disturbing because we see ourselves as an international leader.

There are two dramatic issues that have to be addressed concerning Omar Khadr. One is the fact that he was a child soldier when he was apprehended by the U.S. authorities, and the complete lack of willingness of our government to speak out in the case of a child soldier. The other very disturbing fact is the obvious question of him being tortured and the Canadian government knowing about it, a child soldier being held in detention, and it making no efforts to set any kind of international standard in terms of denouncing torture and the use of child soldiers.

I would like to ask my hon. colleague what he thinks about the Prime Minister's recent comments that a child soldier has to be part of an army, when we know that there are armed gangs all over the world that are using children in deplorable situations, and how that would apply to the case of Mr. Khadr.



*Routine Proceedings*

**Mr. Wayne Marston:** Mr. Speaker, it is difficult to understand how a leader of a country like our Prime Minister, when looking at a case such as this, would want to split hairs, to try to divide it. In other words, I do not think it is appropriate for a government to start deciding guilt or innocence. A government's role is to protect the rights of its citizens, especially citizens who have been put in conditions like Omar Khadr has lived through during the last six years. In fact, we are into the seventh year now.

It is totally unacceptable to Canadians. I have heard from dozens of Canadians. We have had petitions in the House to say very clearly they do not accept the government's position.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I would like to follow up on that same issue.

One of the international treaties to which Canada is a signatory is the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. I think Canada was one of the first countries, if not the first country, to sign on to that optional protocol, which defines child soldiers. It defines a child soldier in the sense that an armed group that is distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. That clearly is the situation that Omar Khadr was in.

Canadians also believe that child soldiers are manipulated by adults into participation in these conflicts, and continue to be manipulated by adults in those circumstances.

I wonder if the member might comment further on the manipulation of a young Canadian in this conflict in particular.

**Mr. Wayne Marston:** Mr. Speaker, to be very clear, Canadians in their judgment early on decided that they were not pleased or happy with the Khadr family, and in particular, Omar Khadr's father.

Whether Omar Khadr was taken abroad with his father or whether he was a dutiful son following his father, he wound up in a part of the world that is a combat zone. He was left behind by his father. The dutiful son was left with fighters and eventually came in contact with American Navy SEALs. The end result, of course, was his wounding and his capture.

It is hard to go back and say that at the time he was not a child soldier in line with the covenants, because at that time the covenants very clearly said any child "under the age of 18 years". It has since been lowered to under the age of 15. Either way, at that time, Omar Khadr was a 15-year-old child combatant.

• (1045)

**Mr. Charlie Angus:** Mr. Speaker, I would like to ask my hon. colleague, in light of the move by the U.S. government to repudiate torture that has happened at Guantanamo Bay, to shut down Guantanamo Bay, to speak out against torture, what he thinks about the failure of the government to set an international standard in protecting child soldiers who have been tortured by foreign regimes.

**Mr. Wayne Marston:** Mr. Speaker, to be very clear, the idea of torture is repugnant to all Canadians and repugnant to myself.

To have our government accept complicity in torture in any fashion, or to be seen to be, is an embarrassment in front of the world, in front of the international community.

Mr. Obama has done the right thing. He is starting on the road back. He is closing Guantanamo. He is trying to recapture the human rights reputation of the United States, and we should do the same thing in Canada.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am pleased to take part in this concurrence debate on the report of the Standing Committee on Foreign Affairs and International Development on Omar Khadr.

I thank my colleague, the member for Hamilton East—Stoney Creek, for getting this the issue on both the agenda of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development and the agenda of the House today for a full debate. This debate is long overdue, and many Canadians will certainly agree with that.

Back in October 2002, Omar Khadr's situation was first raised in the House of Commons by my predecessor, Svend Robinson, in questions to the Liberal government of the day.

What exactly did the standing committee recommend? There were seven recommendations. However, in my reading there, there are three that are absolutely crucial to this situation.

The first is that the Government of Canada must demand Omar Khadr's release from U.S. custody at Guantanamo Bay.

The second is that the director of public prosecutions in Canada should investigate and, if warranted, and I emphasize if warranted, prosecute Omar Khadr under Canadian law.

The third is that Canadian authorities must ensure that an appropriate rehabilitation and reintegration program is developed for Omar Khadr.

All three of those recommendations are very important and very wise.

The bottom line is that Omar Khadr must be brought home immediately. There is absolutely no excuse for his continued detention at the infamous Guantanamo Bay prison.

Omar Khadr, who is a Canadian, born in Ottawa, was 15 years old when he was first detained. That was almost seven years ago. He was held by U.S. authorities for three years before any charges were laid against him and still there has been no full hearing of the charges since he has been held. That is an outrageous record of justice denied to a young Canadian.

Omar Khadr remains the only citizen of a western country imprisoned at Guantanamo. Australia, Belgium, Denmark, France, Russia, Spain, Germany, Sweden and the United Kingdom all had adult nationals detained there. Each one of those countries got their adult citizens out. Each took the initiative and acted on behalf of their adult citizens, but not Canada. Canada has not acted on behalf of Omar Khadr, a child at the time these alleged crimes took place. Omar Khadr was only a child when the alleged crimes took place and he was the only child detained at Guantanamo.

The standing committee noted that Canada has obligations, under international law, to children and to child soldiers.

*Routine Proceedings*

The United Nations Convention on the Rights of the Child says:

Every child deprived of liberty shall be treated...in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

It also says:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

Furthermore, the optional protocol for the Convention on the Rights of the Child on the involvement children who are in conflict commits countries to:

—cooperate...in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance.

UNICEF, in its principles and guidelines on children associated with armed forces or armed groups, which was endorsed by Canada in 2007, states:

A child rights approach, meaning that all interventions are developed within a human rights framework, should underpin all interventions aimed at preventing recruitment or use, securing the release of, protecting, and reintegrating children who have been associated with an armed force or armed group. Funding should be made available for this programming, according to the rights and needs of the children, irrespective of formal or informal peace processes or the progress of formal adult DDR processes.

Others have pointed out that Omar Khadr's continuing imprisonment violates other international laws and treaties, including the Convention against Torture, the Hague regulations, the Geneva conventions, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the Rome Statute of the International Criminal Court.

● (1050)

In fact, the Supreme Court of Canada and the Federal Court of Canada have found that Omar Khadr has been subjected to conditions of confinement and interrogation that violate international prohibitions against torture and other forms of cruel, inhumane and degrading treatment, a fact pointed out by the leaders of the opposition parties in a letter to President Obama last month.

Canadian courts have also found that Canada was aware of these violations while they were occurring, and that is a damning indictment of the Canadian government.

Canada played a significant role in developing international agreements to protect children involved in armed conflicts. Yet, when it comes to a Canadian child, a Canadian child soldier or a Canadian child involved in an armed conflict, our government has completely abandoned him.

Gail Davidson of Lawyers' Rights Watch Canada and Lawyers Against the War said:

The Canadian government has, with knowledge of the facts and law, failed or refused to:

provide consular assistance to Khadr; or,  
exercise diplomatic means to secure his release and repatriation; or,  
attempt to prevent violations of his internationally protected rights;... or,  
accurately disclose Canadian involvement in Khadr's detention and treatment.

Ms. Davidson further notes:

If Omar Khadr were afforded the full protection of established international rights to which everyone is entitled, the law would prevent both further prosecution and continued detention. Further prosecutions before a properly constituted court, in the U.S. or in Canada, would end in a stay of proceedings or a dismissal of charges because of the irreparable harm caused to Khadr by prolonged violation of his internationally protected rights.

The reputed actions of U.S. officials to falsify...and withhold...evidence would also...prevent further prosecution and detention. While there is now no credible evidence of wrongdoing by Khadr, proof of wrongdoing against him continues to increase.

This situation should never have been about the unpopularity of Omar Khadr's family or its political opinions. It is time to get Omar Khadr home and to help him regain his life. It is also time to seek action against those who did not come to his aid and perpetrated violations against him.

There is no doubt in my mind that a full public inquiry into Omar Khadr's case is required to hold the Canadian government accountable for its actions.

There are Canadians ready to help Omar Khadr on his return. There is a plan in place to care for him and help him readjust to Canadian society, with an oversight committee of medical, legal and religious leaders willing to take the legal responsibility for this program. The plan includes special home schooling, psychiatric and physical therapy.

The Muslim community has committed to much of the cost of this program. As one of Omar Khadr's lawyers, Dennis Edney has pointed out, "Canadians are saying to our government that we are ready to assist Omar Khadr".

Omar Khadr's detention at Guantanamo Bay detention centre has been an outrage. The inaction by the Canadian government to help a Canadian citizen and a child soldier has been inexcusable.

Omar Khadr's repatriation is long overdue. The bottom line is we must bring Omar Khadr home.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, I have been concerned for some time that the Conservative government, and perhaps even the Liberal government that preceded it, had already decided that Omar Khadr was guilty.

Canadians will be quick to tell us they do not see that as the prerogative of a government. They see the guilt or innocence of anyone accused of a crime as being resolved in a court.

At our committee we heard Romeo Dallaire speak of that slippery slope that Canada appeared to be starting down. He was actually referring to any country that started down this type of a path.

Would member comment on the military commissions and the fact that the U.S. had ruled them unconstitutional?

● (1055)

**Mr. Bill Siksay:** Mr. Speaker, to say that the legal process undertaken by the United States was less than appropriate would be an understatement. That whole process has been deeply flawed from the beginning. It was an attempt to do an end run around appropriate due process, around the basic values of the U.S. justice system. The course of that process is a clear example of this.

*Routine Proceedings*

Omar Khadr was in detention for three years before charges were laid. Since then, those charges have been up and down, in and out, thrown in and thrown out. Courts have been reconstituted and re-established. The laws have been challenged in Canadian courts and American courts.

One great tribute is to the American military lawyers who have defended him and have been critical of the process, even though they were part of that military justice system. We owe Mr. Kuebler, who is one of his main lawyers, credit for his strong stand on justice and justice for Omar Khadr in that very difficult and inappropriate system.

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I thank my colleagues for their hard work on this issue, which has preoccupied Parliament for some time now.

The report being discussed today references breaches of international human rights laws and standards. Could my colleague address the Omar Khadr situation from the point of view of Canada's Charter of Rights and Freedoms and the ways in which Canada's involvement, or lack thereof, on this case are a breach of our own rights and freedoms and the charter, which is our guideline, our road map in terms of dealing with individuals in similar situations?

**Mr. Bill Siksay:** Mr. Speaker, it is very clear that Canada has let down a fellow Canadian citizen from the get-go on this issue. It has ignored any rights that he may have as a Canadian citizen, any rights he may have for assistance from Canada. We all know that when a Canadian gets in trouble overseas, there is consular assistance available to them, and this has been denied Omar Khadr.

My colleague from Hamilton East—Stoney Creek talked about the disgust that many Canadians felt when they saw the film of Omar Khadr and the visit from Canadian officials. He realized that they were not there as consular officials to help him. They were there instead to interrogate him.

That was not the proudest moment of Canada. In fact, it was a disgusting moment for Canada.

**Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC):** Mr. Speaker, it is well known that Omar Khadr was captured on July 27, 2002 by U.S. special forces in Afghanistan in hostilities in which he allegedly threw a grenade, killing a U.S. soldier. He is also alleged to have been active as an al-Qaeda fighter, including by laying anti-personnel mines on roads known to be used by U.S. forces. On October 28, 2002 he was arrested by U.S. forces and transferred to Guantanamo Bay.

As a result of his alleged activities in Afghanistan, Omar Khadr was charged before a U.S. military commission with murder in violation of the law of war, with attempted murder in violation of the law of war, conspiracy, providing material support for terrorism, and spying.

These are serious charges under any legal system and they are before a U.S. court. We cannot prejudge the outcome of these charges. Nor can we prejudge the outcome of the review of Mr. Khadr's case in the context of the review of all Guantanamo Bay detainee cases. That was required by U.S. President Obama in his executive order of January 22, 2009.

These reviews will determine, among other things, whether detainees should be released or transferred from Guantanamo, or whether they should face prosecution and under which court system. These are matters for the U.S. administration to determine, in whose custody and under whose control Mr. Khadr currently finds himself.

That said, this government has always maintained that all proceedings against persons suspected of terrorist activities must be carried out in accordance with established standards of human rights and due process. The Department of Foreign Affairs has sent observers to all proceedings against Mr. Khadr in Guantanamo Bay and at the Court of Military Commission Review in Washington. We facilitated the appointment of Mr. Khadr's Canadian lawyers as foreign attorney consultants in these proceedings and have consistently pressed for their access to their client.

Officials maintain a regular dialogue on all legal issues pertaining to Mr. Khadr's case, including with his defence team, with the prosecution and with U.S. authorities. Officials from the Department of Foreign Affairs are currently following up on claims that Mr. Khadr's lead defence counsel has been prevented from meeting with his client.

Finally, Mr. Khadr's case has been discussed by the Minister of Foreign Affairs and the Minister of National Defence with their respective counterparts.

The government, as did previous governments, has sought and received assurances that Mr. Khadr was being treated humanely and has repeatedly inquired into his well-being when allegations surfaced that detainees at Guantanamo Bay had been mistreated or that his health was in any danger of being compromised.

Officials from the Department of Foreign Affairs have carried out regular welfare visits with Mr. Khadr, 15 or more at last count, and they will continue to do so. Reports from these visits were made available by Mr. Khadr's lawyers to the Subcommittee on International Human Rights after he waived his right to privacy on them. Members will be familiar with their contents.

The interventions of government officials have resulted, for example, in Mr. Khadr's move from a maximum security facility to a communal minimum security facility within Guantanamo Bay, in improved medical treatment, as well as in phone calls with his family. He is being provided regularly with reading material, as well as with items for his personal care and comfort. There is no doubt that the visits have been of assistance to him. Those visits will continue.

The government did not agree with the recommendations of the subcommittee's report when it was issued and it does not agree with them now. As the government members of the committee stated in their dissenting opinion to the report, our government believes that the opposition is approaching the case of Mr. Khadr in a way that downplays Mr. Khadr's alleged crimes and ties to terrorism, while framing the fact that the government has not repatriated him as a violation of Canadian laws.

*Routine Proceedings*

As was also mentioned in the dissenting opinion, the government has serious concerns which were left unaddressed by the committee, especially with regard to the one-dimensional approach to the study and the limited scope of testimonies that upheld an interpretation of Mr. Khadr as victim.

• (1100)

We continue to believe that the allegations against Mr. Khadr are serious and should be treated as such. Undeniably, however, is the fact that the situation has changed considerably since the report of the committee was issued. As mentioned, there is now a review process in place pursuant to President Obama's stated intention to close the detention facilities at Guantanamo Bay. This process will determine whether or not the serious charges against Mr. Khadr will proceed before the military commission or another court, or how his case may be disposed of.

The trial of Mr. Khadr on those charges is at present stayed for 120 days, until May 20, 2009. The charges have not been dropped by the U.S. government. Mr. Khadr's case remains under the jurisdiction of the United States of America.

Government officials will follow the review process closely, and as is and has been the practice in cases involving Canadians detained abroad, will be in contact with U.S. authorities on the matter as necessary or as requested by them. However, this government will not second-guess, let alone dictate, the outcome of this case.

• (1105)

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, the Supreme Court of the United States has ruled that the rights of the Guantanamo prisoners as a whole were violated, including Omar Khadr's. The Court of Military Commission has been put into disrepute by that ruling.

How does the government rationalize the fact that Omar Khadr was indeed a child soldier of 15 years of age under the terms of the protocol Canada has signed onto at the United Nations?

We are not asking the government in any fashion to conclude on the guilt or innocence of Omar Khadr. Every other western nation has stood up for its citizens and asked for its particular prisoners to be repatriated to its country. Beyond that, none of the prisoners were child soldiers like Omar Khadr. One even has the mitigating circumstance of his age. Why will Canada not ask for him to be brought home and put before a Canadian court where we know there is a reputable system to decide this case?

**Hon. Peter Kent:** Mr. Speaker, the opposition's attempt to portray Omar Khadr as a cherubic innocent is both premature and misdirected. The opposition deliberately ignores the reality that around the world and indeed here in Canada, individuals defined as children are capable of horrendous acts that deserve prosecution in adult courts.

With regard to the decision by the President of the United States to appoint a high-level task force of officials to consider the case, in the 120 days designated for that ruling, the Government of Canada will await its decision.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, there is a presumption of innocence under the laws of Canada. I must admit I am somewhat disturbed and alarmed that the Minister of State of

Foreign Affairs for the Americas would make reference to someone's cherubic innocence.

The intent of the statement is unclear, but it certainly would be very inappropriate for a minister of the Crown to make any statements that would indicate other than the principle within the laws of Canada of innocence until proven guilty.

It is extremely important for the minister to set the record straight now in this place to ensure that the presumption of innocence until proven guilty is the position of the Government of Canada.

**Hon. Peter Kent:** Mr. Speaker, indeed it is. I was referring to the opposition's attempt to mischaracterize and portray the innocence or guilt of Mr. Khadr. Indeed he does deserve his day in court.

I would remind the hon. member that of the almost 300 prisoners still in detention at Guantanamo Bay, only six are charged with serious crimes, five of them in connection with terrorist activities on 9/11, and one of them, Omar Khadr, charged with the list of offences I presented here today, of murder in violation of the law of war, attempted murder in violation of the law of war, conspiracy, providing material support for terrorism, and spying.

The Government of Canada awaits the decision of the presidential task force on how or where the charges against Mr. Khadr should be addressed.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I, too, was very surprised at the comments by the minister of state, because very clearly the issue the member for Hamilton East—Stoney Creek put before the House and put to the minister is why will the government not allow this Canadian citizen to come back to Canada to go through the due process of a trial of defence and prosecution? That was the question.

I find it quite astounding that the minister would completely misrepresent what is being put forward here and suggest that the member was somehow jumping to conclusions. It seems to me that the government itself is jumping to conclusions.

It really begs the question again, why will the government not go through due process and allow this Canadian citizen to return to Canada to stand the test of a trial here in Canada? What is wrong with that proposition? Why is it so intent on this course of denying justice, not doing anything and keeping this individual in a situation that is completely untenable?

• (1110)

**Hon. Peter Kent:** Mr. Speaker, Canada does indeed believe in due process. There are no charges against Mr. Khadr in Canada but there are in fact outstanding charges and his case is before a U.S. court. We will await the decision of the presidential task force on how to proceed.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Mr. Speaker, I would like to return to comments made that Mr. Khadr stands out as one of 300 detainees in Guantanamo because of the nature of the charges against him. In fact he stands out for another reason as well. He is the sole detainee among 300 who was a child when he was arrested.

*Routine Proceedings*

I have two questions for the minister of state. Does he or does he not agree that Omar Khadr was a child when he was detained? Does the government subscribe to its international obligations that we as a country signed onto, as they pertain to child soldiers?

**Hon. Peter Kent:** Mr. Speaker, this government's position on Mr. Khadr is the same as that of the two previous Liberal governments. It is the same policy as that of former prime ministers Chrétien and Martin. It is the same policy of former ministers Graham and Pettigrew. It is the same policy of the member for Mount Royal when he was minister of justice.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, back in May 2008, the Supreme Court of Canada ruled that the regime providing for the detention and trial of Mr. Khadr at the time of the CSIS interview constituted a clear violation of fundamental human rights protected by international law. They also ruled that the participation by Canadian officials in the Guantanamo Bay process was “contrary to Canada's binding international obligations”.

Given that kind of opinion from the Supreme Court of Canada, did that opinion result in any change in direction by the Canadian government with regard to the ongoing detention of Mr. Khadr?

Did it result in any discipline of Canadian officials who participated in what the Supreme Court and the Federal Court of Canada have found to be a process that violates Canada's commitment to international human rights?

**Hon. Peter Kent:** Mr. Speaker, as I said in my remarks, this government, as with two previous Liberal governments, has sought and received assurances that Mr. Khadr was being treated humanely and has repeatedly inquired into his well-being when allegations arose that detainees at Guantanamo Bay had been mistreated or that his health was in any danger of being compromised.

Regular visits have been carried out, as I said, 15 or more at last count, and reports of these visits were made available to the Subcommittee on International Human Rights, and did result in some improvements in the conditions of Mr. Khadr's detention.

That said, I come back to the basic point that the Government of Canada is not interested in pre-empting the presidential task force directive to review Mr. Khadr's case and to decide, within the 120-day period designated, on the way that those charges will be addressed.

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, could the hon. minister tell us if Canada is meeting its obligation under international law, specifically the convention we have signed on the rights of the child and specifically the issue related to the child soldier?

The minister can read about what has happened in the past, but the question is very simple: yes or no, are we meeting our obligations under international law?

• (1115)

**Hon. Peter Kent:** Yes.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, for six years now Canadian citizen Omar Khadr, defined as a child under the terms of the United Nations Convention on the Rights of the Child, has languished in Guantanamo Bay. Indeed, the Khadr case constitutes a case study of ongoing violations of international humanitarian law in general and the fundamental principles of the

rule of law in particular, including arbitrary and illegal detention, denial of procedural due process in no presumption of innocence, denial of the right to counsel, denial of the right to trial within a reasonable period of time before a fair and impartial tribunal, coerced interrogation, and cruel and unusual punishment in detention. I could go on.

Moreover, as leaders of the bar associations in Canada, in the United Kingdom, in France and elsewhere pointed out a year ago, the United States Military Commissions Act of 2006, enacted after we were no longer in government and which the present government had to address and deal with, wrongly subjected individuals to trial by military commission on the sole basis of their status as aliens, criminalized conduct retroactively, permitted military commissions to consider coerced statements, denied defence counsel access to evidence that might be essential to a proper defence, et cetera.

In a shocking assault on the rule of law, and this again took place while the present government was in power, the United States authorities at the time even stated that they may continue to detain Omar Khadr even should he be acquitted under the standing violations already set.

Yet none of this moved the government to act—not the violations, not the military commissions, not this outrageous statement to which I just referred, not the fact that Omar Khadr remained the only citizen of a western state still detained in Guantanamo after all other countries had repatriated their nationals.

On a personal matter, I would like to make a statement for the record, because reference has been made to the member for Mount Royal's position. I first wrote six years ago, in the *National Journal of Constitutional Law*, a critique of “the prosecution by the U.S. of the war in Afghanistan and its unprecedented initiatives, including the proposal for extraordinary military tribunals and the legal limbo of security detainees”, stating that, “Canada has become implicated in this legal limbo respecting security detainees”.

At the time, I discussed the case with the minister of foreign affairs, Bill Graham, to whom reference has been made and who was responsible for the file. He said on behalf of the government that we were continuing to press the United States to ensure that Khadr's rights would be protected. That was the government's position while I was in cabinet.

However, that was a very different position then from everything that occurred thereafter. There was no Military Commissions Act yet at the time. There were no military commission tribunals. All other western countries had not yet repatriated their nationals. We did not know the full disclosure of all the violations that had taken place of international humanitarian law and the rule of law. All this became known and all this took place under the watch of the current government. The current government has to now wear it and bear the responsibility.

*Routine Proceedings*

This is the most important point. An important and welcome development occurred when on just the second full day of his presidency, President Obama issued an executive order to ban torture and to close Guantanamo Bay within a year. This decision, demonstrating the commitment of the Obama government to the rule of law as an overriding priority for the incoming administration, had important implications for Canada-U.S. relations in addition to the important substantive and symbolic value with respect to the overall rule of law in the Khadr case.

Indeed, it should have altered the entire Canadian government's calculus with respect to the case of Omar Khadr, who remained the only western national imprisoned at Guantanamo Bay. Unfortunately, the government did not appreciate this fact. Indeed, the government continued to cling to the incomprehensible incantation that pressing for Mr. Khadr's repatriation was "premature". All these things I have referred to took place when we were no longer in government.

● (1120)

The Conservative government continued to say that it was "premature" even after the U.S. Supreme Court ruled that detainees like Mr. Khadr were denied their due process rights, even after the Canadian Supreme Court held that the Guantanamo process violated international law, even after evidence of coercive interrogation and brutality in detention emerged, and even after it became clear that the incoming American administration would shut down the facility. Even in the face of all these clear and compelling findings of fact and conclusions of law, the Conservative government still failed to act and has the gall to come before the House to try to lay it on the previous administration.

What a shame. The Conservatives should bear the responsibility, because all these things have taken place while you have been in government, and you have the responsibility to act for the Canadian people.

The Conservative government still continues to wait, while President Obama has preferred to act. During a recent question period, Foreign Affairs Minister Lawrence Cannon was asked how the Canadian government could—

**The Deputy Speaker:** First, the hon. member for Mount Royal was directly addressing another colleague. He should go through the Chair. Second, we do not use proper names, but titles or ridings.

**Hon. Irwin Cotler:** Mr. Speaker, during the recent question period, the Minister of Foreign Affairs was asked how the Canadian government could continue to stand by while everything it has always held to be true about this case, such as the fairness of the process and the support of the United States government, had utterly eroded. His response was steadfast, if not original. He repeated three times that the government's position remained unchanged. It was referenced again today. He said:

Mr. Khadr was and is still charged with very serious crimes...The American authorities will be reviewing his case. Clearly, the wisest course of action is to wait for those authorities to make their decision.

It is a position that has been repeated today. There is no room at this point for equivocation on this issue. Either the Conservative government must appreciate that rights have been denied through the Guantanamo system of detention and military commissions, which

can never be restored and redeemed in that regard, as both the United States Supreme Court and our own Canadian Supreme Court have declared and affirmed, or it stands alone in the international community while abandoning its own citizen.

It appears that the Khadr case is characterized by a growing set of facts and conclusions of law that the Conservative government would prefer to ignore. It had best be stated boldly at this point that whether or not Mr. Khadr is charged with a serious crime, he is still a Canadian citizen entitled to due process of law and entitled to that due process here in Canada. He is being denied it. Whether or not he was recruited into a recognized army, Mr. Khadr was still a child soldier when he was captured and is entitled to protection under international humanitarian law. Whether or not our government realizes it, and this is the important point, the era of acquiescing in arbitrary detention, prisoner mistreatment, human rights abuse and denial of the rule of law has come to a close.

All these facts are important. While repatriating Khadr was always the responsible thing to do, it is now also the political thing to do. Our government may prefer to abdicate responsibility and take its cues from its neighbour, but few cues would be more overt than the executive order authorizing the closure of Guantanamo Bay and the termination of these proceedings. The tarnish of Guantanamo makes justice in Canada the only reasonable option from all perspectives. Indeed, while our government continues to drag its feet on this issue, European governments have been discussing the possibility of accepting detainees who have absolutely no connection to their countries as a show of support and solidarity with America.

The Conservative government's vehemence on the Khadr case to this point has turned what is a fundamental issue of human rights and the rule of law into what it should never be, namely, a partisan and political issue. It has turned an issue of justice into an issue of politics, yet with President Obama's commitment to the rule of law, the Prime Minister can still think politically and do the right thing. It is time that he did.

Finally, I would make one particular reference. We in the House should respect the positions of Parliament. Apart from everything else I have referred to with regard to the findings of fact that became known while the present government has been in power and the conclusions of law in terms of the decisions of both the American Supreme Court and the Canadian Supreme Court, the untenable Military Commissions Act was passed in 2006, after we were no longer in power.

I make no apologies for our own position. The former prime minister has stated that perhaps we should have acted differently. However, we were then concerned with what was known at the time: the due process issues. All these other matters—an American Supreme Court decision, a Canadian Supreme Court decision, an untenable U.S. Military Commissions Act, and facts with regard to brutality in detention—became known after 2006.

*Routine Proceedings*

However, I do not want to make this into a partisan thing. Our whole point here is that the government has tried to make it into a partisan thing. I am seeking to speak to it as a matter of fundamental justice. However, if one were to speak of it in political terms, then the government should do that which would dovetail with what the Obama administration has been doing, namely, a fundamental commitment to the rule of law.

• (1125)

When the president decided, as his first executive order, to close down Guantanamo Bay within a year, to ban the use of torture, to invert the whole process with regard to the relationship between security and rights and with regard to the struggle against terrorism and the like, that not only gave us the opportunity but gave us the responsibility at that point to do what is right in terms of repatriating Omar Khadr to Canada and having him face justice here.

This would comport with what this debate is about, which is the decision of the Subcommittee on International Human Rights, in which I participated, which stated, in terms of its recommendations resulting from findings of fact and rule of law as we appreciate it, that the Government of Canada should demand the immediate termination of military commission proceedings against Omar Khadr.

We did not have to wait until the government did something, regrettably, because the Obama administration, realizing the untenability of the military commission, moved to suspend it.

We expressed our objection to the position stated by the United States, that it reserves the right to detain Omar Khadr as an “enemy combatant” notwithstanding an acquittal or the possible termination of proceedings. This was an astonishing position taken by the previous American administration, which should have been cause enough, at the time, without anything else, for the government of the day to demand his repatriation to Canada.

We recommended that the Government of Canada demand Omar Khadr's release from U.S. custody at Guantanamo Bay into the custody of Canadian law enforcement officials as soon as practical.

Now, in light of everything that has happened, in light of the commendable action taken by the Obama administration, it is not only practical, it is right. It is even the political thing to do. It would even help our relationships with the United States, as well as serve the rule of law.

The subcommittee recommendation also called on the director of public prosecution to investigate and, if warranted, prosecute Omar Khadr for offences under Canadian law.

As a Canadian citizen, as a child soldier, this is where he deserves to face justice, this is where justice can best be served and this is where the Government of Canada can serve the rule of law in all its configurations, respect an American supreme court decision, respect a Canadian Supreme Court decision, respect what the Obama administration has done, respect the rule of law, respect a parliamentary decision taken by the subcommittee which has brought the debate before this House, respect the will of the Canadian people, and respect the ends of justice to which this entire debate seeks to serve.

**Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC):** Mr. Speaker, I would agree with the member that there is no room for equivocation in this debate.

I would simply ask the hon. member whether he was aware, when he was a minister of the Crown, of Omar Khadr's age when he was arrested.

**Hon. Irwin Cotler:** Mr. Speaker, my writings on this are public. I would refer the hon. minister to those writings.

• (1130)

**Mr. Ed Fast:** Answer the question.

**Hon. Irwin Cotler:** I do not dodge any questions, Mr. Speaker. I answer them exactly.

In fact, I would refer to the article I wrote in 2002 for the *National Journal of Constitutional Law* where I stated that I was aware of these matters and that we, as a government, should not become implicated in what is going on in Guantanamo Bay.

Regrettably, I think our government, of which I was a member, did become implicated in what went on in Guantanamo Bay. The former prime minister has said that he regretted to whatever extent we became implicated.

However, the key thing here, which is what the government is ignoring, is that all the matters of which I spoke this morning, the American supreme court decision, the Canadian Supreme Court decision and all rules of law emerged on the current government's watch. We should not make this into a partisan thing. It is a matter of justice and the government should do the right thing.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, the member for Mount Royal will know that I am very quick to point at the Liberal Party from time to time when I see shortcomings. I am very heartened to hear in this place today the member for Mount Royal talking about the fact that under the circumstances of the time his government did err because it is very important for all of us to realize that from time to time, with new information, we need to change positions. I respect that.

However, the present government has seen the same evidence that we have all seen and it has not moved its position. In fact, today, when the minister of state spoke, he talked about Omar Khadr being part of al-Qaeda. Now I have been on this case for three years and I have not seen that particular allegation any place as yet.

Would the member for Mount Royal agree that the one flaw, the one problem, the one wedge in this case is the age of Omar Khadr and the fact that our government is refusing to abide by the United Nations protocol, to which we are a signatory, and that once it does that its house of cards will fall?

**Hon. Irwin Cotler:** Mr. Speaker, the hon. member is correct with respect to the Convention on the Rights of the Child. Not only is Mr. Khadr a child soldier but he is presumed to have been recruited illegally, to have served involuntarily and, therefore, to now have to face justice with that understanding and appreciation in mind.

*Routine Proceedings*

That is why, in all of this, his being a Canadian citizen is one that warrants his repatriation to Canada so he can face the Canadian justice system, which, as a Canadian citizen, he is entitled to, but after the particular illegalities that attended his six years in the American justice system, which President Obama finally repudiated.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, earlier in the debate there was a reference to cherubic innocence. The minister of state tended to dismiss it as an irrelevant argument but the discussion of cherubic innocence is really about the essence of the points that have been raised about our international obligations in terms of the rights of the child and the fundamental principles.

It is startling that the minister of state made no reference whatsoever to our international obligations in his commentary. It always has been, outside the chamber as well as inside, that this person has been charged with very serious crimes and we should let it take its course. That is an abdication of responsibility. I believe it is an absolute abdication of Parliament's responsibility to have that position being taken on our behalf.

I believe it is incorrect and I wonder if the member would care to comment on the position of the minister of state to say that there are serious charges and we should leave it alone, which is absolutely an irresponsible position to take.

**Hon. Irwin Cotler:** Mr. Speaker, it appears that the irresponsibility goes back one step earlier, and that is that the government continued to maintain, for a long period of time, that to do anything with respect to Mr. Khadr under the previous American administration was "premature". It was not premature for all the reasons I mentioned.

Certainly once President Obama took the actions he did, it was not only no longer premature but then became necessary from the point of view of justice and even politics for us to seek his repatriation. The government of the day should not now speculate whatsoever on the nature of Mr. Khadr's guilt or innocence because the one thing that is clear, leaving aside the issues of guilt or innocence, is the entire gamut of his rights as a child soldier standing accused were violated both in terms of international humanitarian law and domestic American law.

When President Obama moved to rectify the situation, generically speaking, by ordering the closure of Guantanamo Bay by banning torture and the like, that gave the Conservative government the opportunity to go ahead and do that which was just and right. We trust it will now do it.

• (1135)

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, I listened to my friend across the aisle talk about what President Obama has done and the whole issue surrounding Mr. Khadr. It is interesting that he has talked about what President Obama has done but he has not said anything about what President Obama has not done. President Obama has not stopped the prosecution. He is reviewing things.

I do not know why, at this point, my colleague would want us to intervene in the legal process that is taking place in the United States. I am wondering why all of a sudden the attitude has changed with respect to that side, which now wants to interfere in the legal process.

**Hon. Irwin Cotler:** Mr. Speaker, we do not want to interfere with the legal process. We want to do what that legal process invites us to do and, indeed, requires us to do.

This is something that we should have done under the previous American administration but we kept saying that it was premature. Even though during that previous American administration we had both an American supreme court decision and a Canadian Supreme Court decision that warranted his repatriation, we did not move.

I am saying that what President Obama has done has opened the door for us to now do it. In terms of where the proceeding should take place, there should be no doubt. All these violations, regrettably, occurred under the American system, under which he languished for six years.

We should finally repatriate him as a Canadian citizen, as a child soldier under international humanitarian law so that he faces justice here. In doing so, we would be taking another person off the hands of the decision makers in the American administration.

Why have European governments lined up to take detainees at Guantanamo Bay to their countries, even though they have no connection to these detainees? It makes it easier for President Obama to address that issue. We have a Canadian citizen who has languished there for six years and we cannot bring ourselves to repatriate our own citizen who is the only western national still in that prison system.

At this point I cannot understand on what basis the government continues to act in this way. It would seem that justice and politics would require them to alter its position.

[*Translation*]

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, I am very pleased to rise today to speak to this motion. I congratulate the member for Hamilton East—Stoney Creek on raising this matter for debate, as I believe it is very important to get the government moving on it.

The first two interventions—that of the member moving the motion and that of the member for Mount Royal—touched on a fundamental point in this file, which we will articulate. The government must recognize that mistakes can be made from time to time in life and correct them.

The position taken in the matter of Omar Khadr dates from a period in which the ties between the Bush administration and the administration of the present Prime Minister were exceedingly close. Major changes have, however, taken place in the meantime and are being promoted by both the new American president and international experts in the matter of Omar Khadr. The government should note that. I hope the debate in this House today will lead the government to change its position.

We will remember that Omar Khadr is a young man, a Canadian citizen, born in September 1986. He was taken to Afghanistan by his parents and was captured by American forces in July 2002. He was 15 at the time and was therefore a child soldier.



He was taken prisoner following a battle between American and insurgent forces. In the course of the battle, one soldier died, Sergeant Christopher J. Speer, as did two Pashto translators. The facts are not in dispute. It is not a matter of defending someone, of saying they committed no crime. That point is unknown, as he was never sentenced in court. He was imprisoned at Guantanamo, and, over a number of years, waited for legal proceedings pursuant to his arrest. In the end, the court proceedings were suspended by President Obama.

Let us come back to the situation. In its report, the Standing Committee on Foreign Affairs and International Development states that the Subcommittee on International Human Rights did not receive evidence on the precise circumstances of how Mr. Khadr came to be involved in the battle at which he was captured, or of how he came to be associated with al-Qaeda. There are no facts to confirm the connection with al-Qaeda and there never have been any.

In fact, there is no precise information on the context in which Mr. Khadr was taken prisoner. In the battle, Mr. Khadr was wounded and was subsequently treated at the military hospital. From there, he was transferred to prison in Guantanamo, Cuba, and detained at Delta camp.

Omar Khadr has been detained at Guantanamo since 2002. He waited five years for charges to be laid against him. He was arrested at age 15 and spent five years in prison, but there was no trial during that whole time.

If we had a young person in that situation here in Canada, someone who had been arrested and sat in prison for five years without a trial and was still in prison, I do not think that anyone in Canadian society would tolerate it. The Conservative government is alone in its stand and we cannot comprehend its stubborn refusal to change it.

In November 2005, Mr. Khadr was accused of war crimes by a military commission. In June 2006, the Supreme Court of the United States ended this commission because it had no legislative authority. In September 2006, Congress gave the commission the legislative tools it needed to address war crimes. Then the commissions were suspended once Mr. Obama was elected.

Omar Khadr was charged with the following: murder in violation of the law of war, attempted murder and conspiracy—all under circumstances where he was a child soldier. The convention on child soldiers clearly states that it is in order to manage this type of situation that the international convention was passed in the first place.

But the Prime Minister himself does not seem to know this international convention very well because he declared that Mr. Khadr could not be considered protected by the convention because he was not part of a regular army.

However, the convention is in place to ensure that any rebel military group perpetrating acts of violence cannot use child soldiers and that, if it does, these children will be given the maximum opportunity to be reintegrated into society once removed from these groups.

### *Routine Proceedings*

The Prime Minister has displayed crass ignorance with respect to this convention. If his personal knowledge was lacking, he should have sought information because he has shown by his ignorance that he was not up to his responsibilities in this context.

● (1140)

In May 2008, Omar Khadr's Canadian lawyers said their client needed medical attention and psychological support as a result of his detention. As I said, at the request of President Barack Obama, the military commission responsible for ruling on Omar Khadr's case has suspended its hearings for 120 days.

At the same time, the American president also declared that he would close the Guantanamo Bay detention facility within a year. The Canadian government says it wants to establish a good relationship with the U.S. administration. It could have started by telling the American president that it was willing to repatriate Mr. Khadr, bring him back to Canada, and determine whether he should be put through the judicial process, in other words, charged, tried and convicted, if necessary. The United States would therefore have had one less prisoner at the Guantanamo facility, a Canadian citizen who has been detained there without charge for several years. Had the federal government done this, it would have been an excellent diplomatic gesture. It refused and has drawn criticism from the vast majority of Quebeckers and Canadians.

Three years ago, a survey showed that 47% of people were against the repatriation of Mr. Khadr. In 2009, more than 60% of people are in favour of his repatriation. With time, people have come to realize how inappropriate a place Guantanamo was and that something must be done. Mr. Obama's election clearly demonstrated that. Of all the choices the American people have made, their decision to return to the rule of law and to act as quickly as possible when prosecuting someone was certainly an important one. Past centuries have seen huge battles for *habeas corpus*, so that individuals would be brought before the court as soon as possible after their arrest, thereby preventing unjustified arrests.

In this case, in the 21st century, it is truly an aberration for an individual to be jailed for five years without any formal charges being brought against him. When there was a formal charge, the commission tasked with the investigation was suspended and there is still no possibility of Mr. Khadr going to trial in the short term. The opposition parties are not the only ones to ask the government to take action. Amnesty International and the Canadian Bar have also taken a stand: they are concerned about human rights, respect for the law and for the rule of law. The Conservative government continues to take a position opposed to that of the entire population, which wants the case to be heard as quickly as possible.

It is very difficult to understand why the Conservative government did not seize the opportunity provided. It could have decided to bring Omar Khadr back to Canada and to conduct a trial if necessary. He has been through quite the judicial process. There is nothing but stubbornness behind the Conservative position.

*Routine Proceedings*

Does this also reflect the Conservative government's view on how to deal with young offenders? I have always believed that the international policies adopted by a country reflect its domestic policies. Canada has never managed to give 0.7% of its GDP to international aid and, similarly, has never been able to adequately reform employment insurance.

In this case, it is a matter of someone who can be accused of having been a young offender. Such a person would deserve to go before the court and be judged. We will see what the outcome is. Rehabilitation might prove necessary. A highly productive approach has been submitted by Mr. Khadr's counsels in conjunction with people from the surrounding community and family members in Ontario. Mr. Khadr himself has agreed to not necessarily being returned to his family but being instead taken in by other people and taking advantage of activities to reintegrate him with society. This young man has not had an easy time of it. If he came back to Canada tomorrow morning, if the federal government decided to repatriate him, he likely would not be able to re-enter society just like that, from one day to the next. Counsel for Mr. Khadr has foreseen this and they have informed Foreign Affairs authorities accordingly. They even wanted to meet with the Minister of Foreign Affairs but a meeting like that has been very hard to organize. Even today, however, we know that a hand has been outstretched and that, if the Canadian government did decide to repatriate Mr. Khadr, a reintegration plan is in place and he would be required to face charges if appropriate.

• (1145)

No one has ever wanted him to be absolved of his mistakes or for the situation to be treated as if it never happened. Everyone agrees on his return to Canada, with the exception of the Conservative government, and on his facing the appropriate legal procedures set out in our legislation. That is what we are calling for.

There is a basic legal principle that consists of allowing a person be tried as soon as possible. That principle has not been respected in this case. As I said, the majority of Canadians are now in favour of the repatriation of Omar Khadr. In an Ipsos Reid poll held in January 2009, 64% of respondents were in favour of his repatriation, while in an Angus Reid poll in June 2007, some 47% of Canadians were against it. The response to that might be that we cannot govern by polls alone, but if we talk to those who analyze case law, the Canadian Bar for instance, we realize that the Conservative government really has no reason to maintain its position.

The Conservatives' position is weak, because they do not recognize that Mr. Khadr is a child soldier. He was a child of 15 when he was captured by American troops. The Conservative government has always refused to recognize Omar Khadr as a child soldier. In January, the Prime Minister denied that he was. Canada has signed a number of international conventions on the rights of children and child soldiers. A child is defined as every human being under the age of 18. The United Nations Convention on the Rights of the Child requires that:

Every child deprived of liberty shall be treated with humanity...in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.

Yet Omar Khadr has been held from the start in an adult prison.

The same convention also provides that states parties shall ensure that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." Mr. Khadr has alleged that he has been tortured, and Canadian courts have also recognized that.

We have a situation where there is a child soldier, but the federal government denies his status as a child soldier. We want today's motion for concurrence in the report of the Standing Committee on Foreign Affairs and International Development and this debate in the House to prompt the government to change its position. There is still time to get the outcome the committee proposed.

There is no legislative provision that allows the special commission responsible for trying Mr. Khadr to distinguish between a normal soldier and a child soldier. President Obama will either suspend this military commission permanently or allow it to continue, but from what we know about this commission, the judges cannot make such a distinction, and that will have a significant impact on this young man's life.

Canada's position on Omar Khadr must comply with international law. We believe that the appeal made by the three opposition party leaders in a letter to the Prime Minister, the debate today, the report of the Standing Committee on Foreign Affairs and International Development, and the report of the Standing Committee on Justice and Human Rights all show that there is a consensus in Quebec in this regard. All that is missing is the government itself. The government should take a hard look at this. The Conservatives have already decided to make major changes to their way of doing things. They used to be totally ideological non-interventionists, but then they realized in view of the economic realities that they had to invest more and run deficits. The Conservative government changed direction on the economy, and we hope it will go much further and much faster.

When it comes to human rights, though, there has been no change. The message from all sides is clear, however, and change is what everyone wants.

Canada aspires to a seat on the UN Security Council. When the candidacies of the various countries are assessed, the quality of our democratic life in Canada will obviously be considered, as well as our actions on the international stage.

• (1150)

The way we are treating a child soldier will surely be a black mark on Canada's record. The government has refused to repatriate him, obstinately hiding behind the pretext that he has been accused of serious crimes. Young people can be accused of serious crimes in Canada, but we have a method of dealing with them under young offenders legislation. The same applies internationally through the International Convention on the Rights of the Child, which defines what a child soldier is. The Canadian government should have taken all this into account.

*Routine Proceedings*

I will conclude with some comments on the position of the hon. member for Mount Royal. A little while ago, a Conservative member asked him whether he knew, when he was in government, that young Khadr was 15 years old. This was basically a trap to get him to say that his position was the same as theirs when he was in government. I quite liked the answer of the hon. member, who said he had expressed some reservations from the very beginning but, most of all, there are times in life when we have to be able to change our opinion. The Liberal Party has changed its opinion now and the NDP and the Bloc Québécois continue their defence of this case.

We are Quebec sovereignists. We are in the Canadian federal Parliament and we want to see the positive tradition of Canada's heritage respected, particularly where the defence of human rights and international presence are concerned. When Quebec becomes a sovereign country, we will be able to continue that tradition. While we remain here, we are defending the interests of Quebec, and defence of the interests of Quebec goes beyond what is happening in the rest of Canada. It is also linked to ensuring the quality of our reputation abroad and the way Canada's legislation and international commitments are respected. That respect is not evident in the present context.

Unfortunately, it is not simply a matter of economic issues or principles. This is about the quality of life of a person who has spent several years in prison without formal legal proceedings. When proceedings were held, they were not concluded. We are now faced with a situation in which a young person, whether found guilty or innocent, will need to be reintegrated into society in either case. A plan has been put forward by his lawyers. It involves a collaborative approach. The only collaboration missing is that of the Conservative government, and that is what we hope to see fall into place once all the representations have been made.

We will also probably see from the vote that will conclude this debate in the House that the majority of members of the House want to see Mr. Khadr repatriated as soon as possible. That way, a blot will be removed from Canada's international record. The Conservative government must come to realize that it needs to keep its word internationally and handle this case as the majority of Quebeckers and Canadians want to see it handled: repatriation of Mr. Khadr as promptly as possible. This will also help to gradually reduce the number of detainees in Guantanamo with a view to its total closure, the final chapter in this tragic story we have been witnessing in recent years. Terrorism increased and there was a reaction to it, but we have always said that the best reaction to terrorism is through the rule of law. As far as this situation is concerned, the Conservative government is doing nothing to defend that concept.

Obviously, the Bloc Québécois is in favour of the debate triggered by the report. We wish to see it concurred in so everyone can quickly grasp the necessity for the Conservative government to make a move and adopt a far more dynamic and progressive position. They need to accept, as the Liberals did, that their opinion and position need to change and that Mr. Khadr needs to be repatriated as soon as possible.

• (1155)

[*English*]

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I want to thank the hon. member for this debate today. Of course I have discussed this issue with him on many occasions when he has put forward a question on the late show. He is very well aware of the position of this government in reference to Mr. Omar Khadr. Basically our position has not changed.

Today he has been talking about many issues. He talked about Canada's reputation on the Security Council, where I will be going shortly to campaign as well.

I would like to remind my hon. colleague about something. A couple of years ago I was in Burundi, where I met with child soldiers. When I talked to those young people, the most important issue that came out as to why they were child soldiers was economic reasons. They were living in dire poverty and their economic conditions were the main reason they were recruited. They were promised a house and other things.

Through multilateral institutions such as the UN, and I must tell this to viewers who are listening, Canada is at the forefront regarding child soldiers who have been sucked into the war in Africa for reasons which are economic.

Mr. Speaker, you are rising, but I thought it was 10 minutes for questions and answers.

• (1200)

**The Deputy Speaker:** There are 10 minutes for questions and comments, but there are several members who expressed an interest in asking a question. The parliamentary secretary has already used up two minutes. If I allow a two minute response, that is four minutes, so if he could wrap up in the next few seconds, we could have a response and some other members could participate in the questions and comments period.

**Mr. Deepak Obhrai:** Mr. Speaker, very clearly, Canada is at the forefront of working for child soldiers around the world who have been sucked into wars for economic reasons. We are doing what we can and we stand at the forefront of it.

In this particular instance, a medic has died. These are serious charges, as I stated, and we should not be comparing that situation here.

[*Translation*]

**Mr. Paul Crête:** Mr. Speaker, I would like to thank my colleague for his views. I agree with him that Canada has been a leader in certain situations, for example, landmines. As for child soldiers, in many files, we have shown leadership.

Our current behaviour is spoiling a large part of these efforts and our international reputation. There is a flagrant contradiction between the Canadian government's approach—I would even say the approach of the Quebec and Canadian public—and the case of Omar Khadr.

*Routine Proceedings*

My colleague said earlier that he has met child soldiers and that the primary reason they become child soldiers was economics. He is repeating the Prime Minister's faulty interpretation. It is not our place to analyze why Omar Khadr became a child soldier. He is a child soldier. From the moment we say that he is a child soldier, he should be treated as one. The federal government should not consider the severity of his crimes or the context in which they were committed—it should simply recognize his status as a child soldier.

From that point on, he would receive fair treatment. However, he will only get fair treatment once the Conservative government recognizes Mr. Khadr's status as a child soldier and repatriates him. Thus, we can rebuild our international reputation concerning this particular aspect, since the Conservative government's stubbornness has damaged this reputation.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I thank the member for his insight. He approaches the issue in a way which I think is reflective of the majority position of the committee. There was a dissenting report by the government members.

I do not know whether the member heard the final comment of the parliamentary secretary, but he made a fleeting reference that a medic has died and charges have been laid.

It raises yet again the concern about whether or not the government gets it, that under Canadian law and under the charter, we have the right to due process. The commentary from the minister of state earlier and now from the parliamentary secretary, and from the dissenting opinion in the subcommittee report, tends to indicate that the government's position as a starting position is that one is guilty until proven innocent.

I wonder if the member would care to comment on whether or not he has detected a bias here which is inconsistent either with the charter principles or with the protocol on the rights of children.

[*Translation*]

**Mr. Paul Crête:** Madam Speaker, we live in a country that is the product of English criminal law. We have the Civil Code in Quebec. One long-held basic principle is that when someone is arrested, they must be charged as soon as possible and they cannot be detained if authorities cannot demonstrate a reasonable motive for detaining them.

In this case, when the Guantanamo facility was initially created because of the emergency situation, people sat back and watched, but months and years have since passed. Several years went by without any charges. Then a process was put in place. That process has now been suspended. The Canadian government's responsibility in that regard is not to say whether the American approach was good or bad. However, the fact is a Canadian citizen was caught up in this process, a child soldier who could have had his rights restored if the government had asked that he be repatriated from the beginning, so he could have defended his rights and assumed his responsibilities. In that sense, the Conservative government definitely went against everything that we regard as common practice.

There is a parallel of sorts between this situation and the federal government's refusal to defend a man sentenced to death in the United States. The death penalty has been abolished here and the

Conservative government says it depends whether the individual was sentenced in a democracy or in a country that is not considered democratic, where it is unacceptable. The same is true for this case. The law must apply to everyone exactly the same way. I think that is important.

● (1205)

[*English*]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Madam Speaker, I want to thank the Bloc member in particular for raising a point about Canada's human rights record. I also want to thank the Bloc members for their participation at the committee. Recently there was a United Nations working group periodic review on Canada's human rights record, which spoke to the fact that Canada avoided its responsibility to sign on to the optional protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Like the hon. member from the Bloc, I am very concerned about Canada's reputation.

The subcommittee came up with recommendations which went to the foreign affairs and international trade committee not once but twice, and were brought back to the House. One hears the staunch defence of the government position day in and day out in the House, and as alluded to before, it comes to the point that the very serious charges almost imply there is guilt.

There are many people across Canada who have very serious charges filed against them and are ultimately proven innocent by our justice system. The system of military commissions in the United States has been ruled to be unconstitutional and as violating the rights of the prisoners. One would think a government that wanted a reputation of defending human rights would bring Omar Khadr home to a court system that does have the proper reputation.

[*Translation*]

**Mr. Paul Crête:** Madam Speaker, in terms of human rights, this case poses a serious challenge to Canada's reputation even though in several other files we have conducted ourselves appropriately.

I would nevertheless like to state that, at the end of the day, we are talking about a human being whose rights have been violated. In our society, we have in the past worked to equip ourselves with the tools, such as the charters and other mechanisms, to protect these rights. In this case—I should have added this to my response earlier—we are faced with a situation where there is a reversal of the onus of proof. It is as though we were saying that he is guilty even before he is convicted.

The Conservatives' approach must be corrected. I believe the House will give a very clear message reflecting the views of Quebec and Canadian citizens, namely that Omar Khadr should be brought back to Canada because his rights as a Canadian citizen must be respected.

[*English*]

**Mr. Kevin Sorenson (Crowfoot, CPC):** Madam Speaker, I rise today to speak to the concurrence motion moved by the NDP and also to the report of the Standing Committee on Foreign Affairs and International Development, which deals with the subject of Omar Khadr.

*Routine Proceedings*

Let me be very clear from the very beginning. The government did not agree with the recommendation of the subcommittee's report when it was issued, and it does not agree with them today. Mr. Khadr faces serious charges and we believe the approach taken by the opposition downplays the alleged crimes committed by Mr. Khadr, besides the terrorism.

I will be splitting my time today, Madam Speaker, with the member for Calgary East, the Parliamentary Secretary to the Minister of Foreign Affairs.

The NDP brought forward the motion in regard to Mr. Khadr and in regard to terrorism. It is consistent with the NDP and with the Bloc. They have been asking for repeal and for Mr. Khadr to come home for a long time now. It is very consistent, I believe, with their approach to terrorism and to organized crime.

I believe the motion has been brought forward to prevent our government from coming forward with its anti-crime bill. The motion was brought forward on this day specifically, in spite of the fact that we are trying to bring forward justice bills to deal with the wave of crime we are seeing in British Columbia. They chose this day to bring forward a motion that could be debated any day in the House. To be very clear, there is consistency among the opposition parties.

As all members of the House are undoubtedly aware, in 2002 Omar Khadr was arrested by the United States Forces in the context of his alleged involvement in the armed conflict in Afghanistan, following his alleged recruitment and use as a combatant by al-Qaeda.

Although there have been recent developments in the United States regarding Guantanamo Bay, Mr. Khadr continues to face charges pursuant to U.S. legislation. As such, it is up to the United States authorities to make determinations regarding the administration of justice in the United States as related to individuals within its jurisdiction. As Mr. Khadr was, and remains today, in U.S. control, it is up to the United States to make determinations regarding certain dispositions of this case.

There have been significant developments since the subcommittee on human rights brought forward its report. We have a new president in the United States. President Obama has also issued executive orders related to Guantanamo Bay detainees. Those orders are reflective of the fact that the new United States administration is actively engaged with examining issues related to Guantanamo Bay and the cases of those individuals who are being held in Guantanamo. Indeed, the issuance of the orders is indicative of the importance being given to exploring possible ways to move forward in addressing these related issues.

For that reason, it is imperative that this process be allowed to run its course and that Canada not speculate on hypothetical scenarios in this regard. Rather we are closely monitoring all developments in Mr. Khadr's case and stand ready to receive information from the United States when a review of his file has been completed. Until such time as that has been done, it is simply premature and speculative to address requests for Mr. Khadr's repatriation.

●(1210)

President Obama has ordered that the detention facilities at Guantanamo Bay be closed as soon as practicable and no later than one year. A review of the status of each and every individual detained in Guantanamo has commenced and a review is being conducted to determine whether detainees should return to their own home, or be released, or transferred to a third country or prosecuted before a court established pursuant to article 3 of the United States Constitution.

It is important to be clear on the effect of the relevant executive order. It does not mean that Mr. Khadr is no longer subject to the United States criminal justice system. Although proceedings against Mr. Khadr before the military commission are presently halted, given the prosecution's request for an adjournment of 120 days was granted by the military judge on January 21, a review must now be undertaken. This will determine how the United States authorities will deal with the case of each and every Guantanamo detainee, including Mr. Khadr. We are not in a position to predict the outcome of this review. It is a United States review.

The Canadian government was, however, very instrumental in ensuring that Mr. Khadr would not be subject to the death penalty and, indeed, the result are the charges brought forward against Mr. Khadr have been on a non-capital basis. Canada has also sought to ensure that Mr. Khadr receives the benefit of due process, including access to Canadian counsel of his choice. Further, Mr. Khadr's case has been raised on several occasions at the ministerial level with the U.S. authorities.

Canadian officials have been present at every one of his hearings before the military commission in Guantanamo Bay and the court of military commission review in Washington, D.C., as well as for all court appearances related to his habeas application in Washington. Departmental officials have also been in regular contact with both Mr. Khadr's defence counsel and prosecutors in this case. As indicated, we will continue to make ourselves available for any further discussions.

Regular ongoing welfare visits have been carried out by Canadian officials in Guantanamo Bay. Just because the military commission process has been halted, does not mean that welfare visits will be halted. It does not mean that no longer will he be given proper attention. Canadian officials have carried out regular visits with Mr. Khadr. The goal of these visits has been to assess his condition and provide him with a measure of support and comfort items. Through these visits, we have sought to have Mr. Khadr's detention conditions improved and have made requests for medical treatment and educational support.

Interventions by Canadian officials have resulted in Mr. Khadr's move from a maximum security facility at Guantanamo to a communal minimum security facility within Guantanamo Bay. It has also meant that Omar Khadr, because of Canadian intervention, has been given very much improved medical treatment.

*Routine Proceedings*

The Canadian government has also facilitated access to him by Canadian defence counsel. We have made arrangements for telephone calls between Mr. Khadr and his family, indeed he has been in touch with his family. He has been able to communicate with his family. These efforts will continue. We will continue for as long as Mr. Khadr remains in U.S. security, advocating for his well-being and making certain that it is a priority.

We take very seriously our responsibility for the safety and security of Canadians. However, we do not control judicial processes outside our borders. Our government is acting responsibly. We are acting prudently in allowing the United States to make decisions regarding the way forward vis-a-vis Guantanamo Bay. Canada will address decisions that are made in that process once they have been taken.

• (1215)

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I listened very attentively to the member for Crowfoot who repudiates the report of the committee.

The recommendations are very clear. The committee recommends that the Government of Canada demand Omar Khadr's release from U.S. custody at Guantanamo Bay to the custody of Canadian law enforcement officials as soon as practicable. It calls on the director of public prosecutions to investigate and, if warranted, prosecute Omar Khadr for offences under Canadian law. It calls on the Government of Canada take such measures as are necessary to ensure that possibility security concerns are appropriately and adequately addressed upon the repatriation of Omar Khadr.

The recommendations go on. These are responsible, forthright recommendations. No doubt Canadians believe they would reinforce Canadian values.

The member raises a number of red herrings that have nothing to do with the case. In this situation, the Canadian government has not intervened, yet a child soldier has now spent seven years in Guantanamo Bay.

The question that arises following his intervention, as with other interventions from the Conservative side, is this. Given that we have a responsible committee report, which obviously receives the support of the majority of members in the House of Commons, why has the government not acted? Why has the government refused any sort of responsible approach in this matter? Why has it allowed this child soldier, without due process, to languish for seven years—

• (1220)

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Crowfoot.

**Mr. Kevin Sorenson:** Madam Speaker, I note that although the report was filed by the subcommittee on human rights, there was a dissenting report. It was not a unanimous report.

Let us all understand the dynamics of a minority government. The makeup of committees is similar. I note that in the dissenting opinion provided by the subcommittee on human rights, members very much believed that there was a disconnect when it came to many of the witnesses who were called. There were a lot of difficulties that came

out of that study. However, the numbers in the subcommittee are reflective of the numbers in the House. The opposition was out numbered.

As a government, we did not accept that report. We do not accept it today. We believe there were many obvious holes in that report and our dissenting report tried to make that clear.

Let me quote from the dissenting report. It states, "Mr. Khadr could become a litmus test on Canada's commitment to impeding global terrorism and the results of our actions today".

We do not, in any way, prejudge Mr. Khadr's innocence or guilt. In fact, he is viewed as being innocent until proven guilty. Our frustration is that he is presently under the jurisdiction of the United States. President Obama has been clear that there will be an ongoing review of this case. We will honour that jurisdiction and we will wait for that review to be completed.

We will, in the meantime, continue to intervene on behalf of Mr. Khadr. We will continue to be certain that his health issues are addressed, that his ability to communicate with family is addressed, that every aspect is addressed. Indeed, it has already made a difference, which is evident by his transfer from maximum security to more minimal communal security in Guantanamo.

It should not be a surprise to the member. We do not accept the subcommittee's report on the repatriation of Omar Khadr.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Madam Speaker, once again, I am rising on this topic to which I have spoken on many occasions. The minister of state has quite clearly pointed out our position and my colleague for Crowfoot has quite eloquently said exactly what this government has done and will continue doing for Mr. Omar Khadr. This government is doing what it is expected to do. It is providing counsellor services and ensuring Mr. Khadr's rights are protected, and we will continue to do that.

I heard the former minister of justice say that he was concerned about this issue. I heard former Liberal government members, including the former foreign minister and the former leader of the Liberal Party, say that they would have done something different. I want to remind Canadians that these are very serious statements being made by leading members of the former government. They are now saying that they actually made a mistake. I thought that, as members of the government, they were acting responsibly with all the information they had. For them to stand today and say that they think they were wrong at that given time, Canadians should be worried as to what that government was doing when it was in power, especially when they are now changing their decisions and saying that they made a mistake.

*Routine Proceedings*

I will now go back to Mr. Omar Khadr. At that given time, when Mr. Omar Khadr was captured, he faced serious charges and was taken to Guantanamo Bay. The former minister of justice knew about it and had all the information on his table. He now says that he is sorry and that he had apprehension. If he had apprehension then, he should have taken action. He should not have come here today telling the Conservative government that it is responsible for it. They should take responsibility. They should stand up for what they now say is their mistake on Mr. Omar Khadr. Nothing has changed on the point they are raising today. Mr. Omar Khadr's age at the time of his capture has not changed. What he was captured for and the serious charges he was given are the same. Everything remains the same.

However, let us move forward and come now to this point, which surprises me. The subcommittee report recommendations put forward by the former coalition members concern a time when there was a different administration in the U.S.A. Today, there is a different administration. Things have moved forward. President Obama has said that he will review the case. They stand and say that they like what Mr. Obama is doing, what is happening at Guantanamo Bay and the fact that it is closed and under review. Well, then, what is the problem? He said that within six months he would be reviewing all the cases, including Mr. Omar Khadr's case. What is the problem?

I would venture to say that the report of the subcommittee that has been put forward in this Parliament is actually obsolete because the review of all cases, including Omar Khadr's case, have moved forward. I would suggest that the opposition, which has been raising all these questions, wait to see what comes out of this review. We must not forget about the victims. We always seem to forget about the victims. A medic who had a family was killed. We need to put all these things into context. Why do the members on the other side not talk about the victim who died in this unfortunate incident?

As I have said, the opposition members have been raising issues here about child soldiers and Canada's human rights record. As I stated in my intervention with the Bloc, I was in Burundi where I met child soldiers and looked into their eyes. I can tell members that the reason those guys were child soldiers was economic. It was not a war on terrorism. What we are facing out here was not based on ideology.

• (1225)

I know we keep saying that Mr. Omar Khadr faces serious charges but the fact is that they are serious charges. We now have a process where everything will be under review, so what is the problem? We should let them review.

Sitting next to me is the former minister of foreign affairs who was also very active on the files dealing with child soldiers and also very active in ensuring Canada's human rights records were respected. We have respect around the world.

I just want to say that just because Mr. Omar Khadr is facing serious charges and the process is going on, that does not punish the reputation of Canada. Canada stands very strong in the belief of the rule of law. In this case, again we are following the rule of law. This was a citizen of the United States of America who died. I want to remind everyone here that it was not a Canadian citizen who died. It was an American citizen who dies, which is why Mr. Khadr was

caught by the American forces. The process is going on and we should allow that process to continue. Within six months, we will know if the Americans want to go ahead with this process. If they do not want to go ahead with this process, at that given time the Government of Canada will look at all the facts and make the decision.

• (1230)

**Hon. Irwin Cotler:** Madam Speaker, I rise on a point of order. The hon. member referred to me personally saying that I knew of the brutality in detention at the time of Mr. Khadr. I said specifically in my remarks that the brutality in detention became known afterwards. I said that I knew the nature of Guantanamo Bay at the time and, with respect to Guantanamo Bay, I said that was reason enough for us to look at the situation in a manner that perhaps at the time would have warranted a different approach.

This needs to be clarified as well. I said that the former prime minister of the government in which I served said that in retrospect maybe we erred because all the things that have emerged since we were no longer the government, which the government of the day refuses to acknowledge, even in this statement now. We have two supreme court decisions, one in the United States and the other in Canada, all the evidence with regard to brutality in detention; the Military Commissions Act; the military commissions tribunal, and I can go on. All this occurred under the present government's watch.

The government should take responsibility rather than try to defer it to somebody else.

**The Acting Speaker (Ms. Denise Savoie):** I believe the hon. member has clarified his position but I do not believe it is a point of order. I think it is the subject of this debate.

Questions and comments, the hon. Parliamentary Secretary to the Minister of International Trade.

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, CPC):** Madam Speaker, I would like to give my colleague the opportunity to respond to the hon. member's statement.

**Mr. Deepak Obhrai:** Madam Speaker, I will repeat what the former justice minister just said. He said that he thought his government erred in its position, which is the cause for concern we have in retrospect. It causes us concern because when the member's government had all the information, it still erred.

On this side of the House we are saying that we are taking full responsibility, which is very simple. We are waiting for President Obama's commission to come forward and make the decision and then the Government of Canada will act accordingly.

**Mr. Brian Masse (Windsor West, NDP):** Madam Speaker, I would like to ask a question with regard to our overall relations with the United States.

*Routine Proceedings*

As vice-chair of the Canada-U.S. Parliamentary Association and living on the border, I can tell the House that I have a lot of American friends and colleagues, whether they be elected officials or just ordinary citizens who are perplexed by Canada's decision in this case, as well raising concerns, not only with regard to civil liberties, but also to the fact that we seem to be doing something completely different, and we are doing something different, than other countries and western democracies. It is important to note that it is eroding Canada's reputation as acting responsibly.

Those questions are becoming louder and louder from Americans. They are wondering where Canada is with regard to this issue. The parliamentary secretary should be aware of the discourse that is happening. As well, the policies of the Prime Minister have been hurting our regular relations with U.S. citizens and other elected officials who have really disagreed with Canada's position.

**Mr. Deepak Obhrai:** Madam Speaker, this government will do what is best for Canadians and what we feel is right. It will not be based on what other governments do. We have stated quite clearly that we believe in the rule of law.

As to the member's statement about the Americans being worried about this, the member should wait until the new president's commission has said what it will do. We have a change in the United States, so we should wait and in six month's time we will see what the commission will do. That should be the prudent approach. As far as what other countries are doing, we will do what is in the best interests of our country.

**Mr. Brian Masse:** Madam Speaker, the government is ceding our sovereignty to the United States with regard to leadership on this issue. President Obama has moved forward with his own strategy to deal with the situation, which really should require Canada to act sooner rather than later. To simply put this into another era of speculation is not acceptable.

Other countries have shown leadership in dealing with the situation. We know Guantanamo Bay's reputation. I can tell the House that living on the border where 40% of our trade goes to the United States daily and also having access to American discourse in their media and the general public on a regular basis, they understand how bad the situation is at that facility from its reputation and just find the situation unacceptable, which is what compelled the president to move in that direction. What is not acceptable is Canada continuing to be part of a process that is absent of leadership, and that is hurting our relationship with the United States. It is in the best interests of Canada to show leadership on this issue.

• (1235)

**Mr. Deepak Obhrai:** Madam Speaker, I want to thank the member again for coming back with the same question but nothing has changed. My answer remains the same. I would remind him that only last week, in the court cases taking place in the U.S.A., the four people who were responsible for 9/11, stood and proudly said that they were responsible for killing over 3,000 innocent people on September 11 and that they would continue to do so. I would remind the member that those are the people who are at Guantanamo Bay. We should be very careful when we start saying that the terrorists at Guantanamo should be given rights. Terrorists, as they said, are terrorists, and we will continue to fight them.

[*Translation*]

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Madam Speaker, I will be sharing my time with the hon. member for Mississauga South.

I would like to start by outlining a few facts. Omar Khadr, a Canadian citizen born in September 1986, was captured by U.S. forces near Khost, Afghanistan, in July 2002, following a battle between U.S. forces and insurgents which resulted in the deaths of U.S. Army Sergeant Christopher Speer and two Pashto interpreters. Omar Khadr was seriously injured in the battle and was transferred to the military base at Bagram in Afghanistan, where he was detained until October 2002. He was then transferred to Camp Delta, a U.S. detention facility in Guantanamo Bay, Cuba, where he has since been detained.

In April 2007, charges were laid against Mr. Khadr and forwarded to the U.S. military commission. These charges are very serious: murder in violation of the law of war; attempted murder in violation of the law of war through the conversion of land mines into improvised explosive devices and planting these explosive devices in the ground in order to kill U.S. or coalition soldiers; conspiracy, through wilfully joining al-Qaeda; providing material support for terrorism, through training.

But Omar Khadr was 15 when the acts of which he is accused were committed, and he was captured and imprisoned. Since his capture, he has been held in facilities for adults, first at the Bagram air base, then in Guantanamo. He was not sent to Camp Iguana, a detention facility for adolescents, when he was transferred to Guantanamo.

The subcommittee heard several witnesses express concern about whether Mr. Khadr's detention, the case against him, and his trial before a military commission complied with accepted international human rights standards, particularly the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the optional protocol signed and ratified by both Canada and the United States.

In respect of children engaged in armed conflict, the subcommittee emphasized the fact that the UN international Convention on the Rights of the Child, which Canada signed and ratified and the United States signed but did not ratify, states that "a child means every human being below the age of eighteen years". It also states that:

Every child deprived of liberty shall be treated with humanity [...] in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances

The international Convention on the Rights of the Child also provides that:

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

In the preamble to the optional protocol, state parties say the following:



Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children—

Although it does not strictly prohibit participation in hostilities by soldiers between 15 and 18 years of age who have been voluntarily recruited into national armed forces, the optional protocol does provide that:

Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

The optional protocol does not prohibit trying children for crimes they allegedly committed while involved in armed conflicts. However, it does provide that:

States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance.

In addition, in the UNICEF guidelines on children associated with armed forces or armed groups, which Canada agreed to in 2007, we read that:

• (1240)

A child rights approach—meaning that all interventions are developed within a human rights framework—should underpin all interventions aimed at preventing recruitment or use, securing the release of, protecting, and reintegrating children who have been associated with an armed force or armed group. Funding should be made available for this programming, according to the rights and needs of the children, irrespective of formal or informal peace processes or the progress of formal adult DDR [disarmament, demobilization et reinsertion] processes.

In light of the fact that Canada has always played an international leadership role in protecting children involved in armed conflicts, a role that has included negotiating the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and in light of the specific commitments made by Canada and the United States in ratifying the optional protocol, the information available on Omar Khadr's recruitment by a group linked to al-Qaeda and the fact that he was 15 when he allegedly engaged in combat and was captured and originally detained, the subcommittee is of the opinion that Mr. Khadr should be considered “a child involved in armed conflict” and therefore should enjoy the protection set out in the optional protocol.

In addition, the subcommittee notes that Mr. Khadr is the only citizen of a western country still in detention in Guantanamo Bay and that all nationals of other western countries have been repatriated. Many of these were subsequently detained and/or tried in their home countries in accordance with applicable domestic laws. In some cases, former detainees were subjected to national security measures, including being placed under surveillance or being refused travel documents.

Finally, the subcommittee notes that under Canadian law, Canadian courts can exercise jurisdiction in relation to certain crimes committed abroad, including offences created under the anti-terrorism provisions of the Criminal Code and under the Crimes Against Humanity and War Crimes Act.

I will finish with a statement from my colleague, the hon. member for Mount Royal and former Minister of Justice and Attorney General of Canada, who said:

### *Routine Proceedings*

By allowing the Americans to decide whether or not to repatriate Mr. Khadr, the Prime Minister has shown an appalling failure to live up to his responsibilities towards citizens holding a Canadian passport.

The government was wrong to continue, inexplicably, to say that it was “premature” to talk about repatriating Mr. Khadr, even after the Supreme Court of the United States ruled that detainees like him had been denied their right to a full and fair trial, even after the Supreme Court of Canada ruled that the practices at Guantanamo were in contravention of international law, even after proof of “enhanced interrogation” and violence in detention surfaced, and even after we knew with certainty that the new American government would close Guantanamo.

That is why the subcommittee's recommendations from June 2008 still hold today.

• (1245)

**Mr. Luc Malo (Verchères—Les Patriotes, BQ):** Madam Speaker, in connection with this extremely important debate about repatriating Omar Khadr, I remembered a poem written by Alexandre Belliard and included in his collection entitled *You run after pigeons*. The poem, which I will read, is entitled *The stranger was still hungry*.

with death  
hatred is passed on  
through mothers' milk

children are churned out  
with bombs in their chests  
the calling is strong  
it destroys all that they are to exist

they have long been passing away  
it is starting to show

I have a very simple question for the member for Pierrefonds—Dollard. Does he not think it is our duty as parliamentarians to make sure that children can be children and that we have the same concern for children everywhere?

**Mr. Bernard Patry:** Madam Speaker, I would like to thank my Bloc Québécois colleague, particularly for reading his wonderful poem.

I agree with my colleague's position for the simple reason that a child is a child. He was a 15-year-old child living in a country like Pakistan.

In Pakistan, there is a hierarchy that gives parents the right to determine whether their children live or die. We do things differently in Canada, North America and Europe.

In many cases, children may commit terrible acts simply because they are obeying their parents. That is why we have the Optional Protocol to the United Nations Convention on the Rights of the Child, and that is why Canada supports the protocol and why the government should too.

[*English*]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Madam Speaker, I would like to begin with a short comment to correct the record. Earlier, the hon. member for Crowfoot said that the NDP moved this motion to somehow delay other debates. In fact, we are not opposing debate in the House, we are generating debate. We delayed moving concurrence in this report while the House was addressing Bill C-10. We were very responsible. However, this is a particularly important issue.

*Routine Proceedings*

I listened to the hon. member for Calgary East go on about terrorists. The type of discussion that is happening here leads one to wonder how many members of the government have decided that Omar Khadr is in fact guilty.

I want to thank the member for Pierrefonds—Dollard for his intervention. The critical importance of this debate is the fact that we are shining light on a turn the government has made, which seemingly puts the government in the position of making decisions around guilt or innocence.

We have heard from Bloc members and others talk about the case in Colorado of Mr. Smith, who was sentenced to death, and the government chose not to intervene. There is something very wrong happening in our country.

**Mr. Bernard Patry:** Madam Speaker, I agree with the hon. member in the sense that in our country we are always innocent until proven to the contrary. The government could try to be accurate and get to the truth.

[*Translation*]

The government thinks that it knows the truth and seems to believe that courts of law are not there to do justice. In this case, we have a child, Mr. Khadr, who is imprisoned at Guantanamo and who has been abused. Such abuse violates international law, U.S. law and Canadian law.

The government wants to wait, but what is it waiting for? It is waiting for the United States to make the next move so that it can fall into line. We are a sovereign state, and Canada must fulfill its own obligations.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, today we are debating, for at least a short while, a subcommittee report of the Standing Committee on Foreign Affairs and International Development.

This is an issue that I think is going to have some consequential implications outside the immediate case of Omar Khadr. Right from the outset the government, with its dissenting opinion on this June 2008 report of the subcommittee, tips its hand to having determined that this Canadian citizen is guilty. There was a bias of guilt in the dissenting opinion.

There is a bias of guilt in what the Minister of State of Foreign Affairs (Americas) said earlier today, when he seemed to slough off some reference to cherubic innocence and how silly it is that it is a child soldier. It is not that he was a child combatant; it was cherubic innocence, that is no big deal.

There was a suggestion of bias with the parliamentary secretary and with the chair of that subcommittee in their commentary. Every time the parliamentary secretary spoke, he said that a medic died, so he should be there.

Suppose one were to take a black box and put a person in there, someone we did not know and someone we knew nothing about. If we then took the facts that a Canadian citizen who was 15 years of age at a time when the alleged incidents took place, who had been tortured while in custody in Guantanamo Bay, and who had been unable to see his lawyer—according to a news report in February, the

Pentagon-appointed lawyer for Mr. Khadr had not been able to see his client—and started to lay out these facts in play, all of sudden we would see the presumption of guilt or the bias that is in the government. It is very clear. It is driven by references to a Muslim kid, relationships with al-Qaeda, his family connections and the fact that the former president decided to set up Guantanamo Bay to have all these prisoners there.

Did the government take into account that a number of the prisoners who were in Guantanamo Bay have already been repatriated to their countries of origin for prosecution? Other countries have done this. The government's position is that it does not support that. It will not defend Omar Khadr's rights. It will not protect him from the fact that he was subject to torture, a violation of international standards and law.

We have a Canadian citizen who was tortured while in custody. We have a Canadian citizen who has been denied the equivalent of the rights of due process under the Charter of Rights and Freedoms of Canada. When the foreign affairs minister met with his counterpart, according to this news report dated February 25, his position was, "We will wait until this process is completely completed". That was said to his counterpart in the U.S, Hillary Clinton.

• (1250)

It is interesting that subsequent to the George W. Bush government, current President Barack Obama has taken some steps. He has taken some concrete steps. He is concerned about what has gone on. He is concerned about the consequences down the road. He is concerned about human rights. He is concerned about the rule of law being applied. He is concerned about dangerous precedents. He is concerned about continuing on for years and years with matters that can be dealt with outside the jurisdiction of the United States, because they have already done it.

One of his first acts was to make a promise that he would close down Guantanamo within a year. I believe the military commission and its proceedings have been suspended for a year. This is all winding down.

If we had taken anybody else and put them behind the curtain knowing nothing about the optics and nothing about matters that would not be relevant in a court, we would probably find that the members of the current governing party would support the repatriation of this Canadian citizen who was tortured and not given his charter rights of due process of law. Would anybody in this place actually argue against that? Would anybody in this place get up and say that they wanted to deny this Canadian citizen his charter rights? We have.

It is not a matter of waiting for a precedent. Many of the prisoners who were held in Guantanamo Bay have been repatriated, to be dealt with under the laws of the countries where they are citizens. Why is Canada not standing up for the rights of Mr. Khadr, not to defend or to speak about his guilt or innocence, which is for the courts to decide, but to speak up on behalf of the charter rights and the international obligations that we have with regard to the rights of the child? We are a part of those.

*Routine Proceedings*

We have clear statements on the whole issue of torturing those who are in prison. The government members who have spoken—the Minister of State, the parliamentary secretary and the chair of the committee—said that if they had to do this all over again right now, they would not change their position one bit.

The first recommendation of the majority report said that the Government of Canada should demand the immediate termination of the military commission proceedings against Omar Khadr.

The chair of the committee rose in this place and said that they would not change their mind. They would disagree with this or have a dissenting opinion, and they would just let that process over there in the United States go until, as the foreign affairs minister said, it is “completely completed”. They do not want it. They want to let the Americans take care of it. They do not have to worry about a citizen of Canada. They do not have to worry about the fact that a citizen's rights have been violated. They do not have to worry about the fact that this person is not enjoying the due process of law that other persons from other countries enjoy.

Why is the government abandoning a Canadian citizen? That is the question. Why is it that the Minister of State spent half his speech making a case that the current position of the Conservative government is precisely the position of the Liberal government prior to 2006? That cannot be the case, for the simple reason that subsequent to that there have been Supreme Court decisions in Canada and the U.S., as well as a change of presidency and actions taken by President Obama.

The then Minister of Justice came back before this place to defend against that and to say it is not quite right. The member is trying to deflect blame, or share the blame, so that the focus will not be that the current government has abandoned a Canadian citizen and ignored his rights, will not defend his rights and will not advocate for his rights.

The leader of the official opposition had a very brief opportunity to meet with President Obama when he visited Canada. He raised the issue of Omar Khadr with President Obama on the basis of protecting human rights, and President Obama acknowledged it and would deal with it.

Did the Prime Minister raise it? The answer is no. It shows very clearly that the position of the Conservatives is not on behalf of the rights of Canadians.

• (1255)

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Madam Speaker, I want to apologize to my colleague from the Liberal Party because I did not catch all of his speech, so this question may be one that he has addressed.

It seems to me intrinsic to us as a sovereign nation to play a role in upholding international law and the protection that a child soldier should be accorded. We have championed that role around the globe. It is also a matter of upholding human rights generally, and the responsibility we have to do that for our citizens, no matter where they are.

I wonder if the hon. member would comment on whether he saw the case the same way. If we had played the role we are supposed to

play as a sovereign nation, following our responsibility to protect our citizens, and if we had done that right from the beginning, would there have been a different outcome?

• (1300)

**Mr. Paul Szabo:** Madam Speaker, I can only speculate about what might have happened under the former American administration had the Canadian government taken those kinds of positions. We know very clearly where George W. Bush stood as president on these matters. None of the prisoners there would have been repatriated at all, I am pretty sure, under his regime.

However, the member is quite right. It is alarming to me that a minister of state, a parliamentary secretary and a chair of a committee dealing with this matter all parrot the same line in saying that there are serious charges and they must go forward.

They never once mention human rights. They never once mention the issue of a child soldier, a 15-year-old. They never once mention the fact that this Canadian citizen was tortured and that we should defend that Canadian citizen's rights.

The whole premise, even in the most recent interview that the foreign affairs minister gave, is that he is abdicating his responsibilities to Canadians here and Canadians abroad.

It is not just Omar Khadr. It is all Canadian citizens who find themselves alleged to have committed a crime. They could be imprisoned. They could be tortured. They could be denied their rights. The precedent that has been set now is that the foreign affairs minister says we are going to duck. We are not going to defend Canadian citizens abroad.

**Ms. Libby Davies (Vancouver East, NDP):** Madam Speaker, I think the member laid out some very important principles about the role and responsibility of the Canadian government and Canadian society. The questioning from the member for Windsor—Tecumseh, who again reiterated the importance of our responsibilities under international law and our responsibilities to protect Canadian citizens abroad, does raise serious questions, not only in terms of what the government's position has been, but also in terms of the previous government, because we know that this has been a question about Mr. Khadr from day one. It has been raised in this House from day one, at least certainly by us in the NDP.

I wonder if the member would respond to that as well, because this has now been an issue over two different governments, and we have basically seen the same response, although I agree with the member that it is the principles about human rights and Canada's role in the international community that need to be upheld.

**Mr. Paul Szabo:** Madam Speaker, the one point I want to make with regard to the member's question is that there have been very significant developments since the Conservative government took over in 2006. We have had Supreme Court decisions, both in Canada and the U.S. We have had a change of administration. We have had certain other developments on repatriation, and things have changed so dramatically that I do not think I would compare the situation of a previous government back in 2005 to the situation today.

*Routine Proceedings*

The member is quite right. The important thing is that the government has demonstrated that its commitment to protect Canadians abroad is not there and that it has no respect for international law regarding the protection of children under the treaty we are part of. It is a concern to me, and it should be alarming to Canadians, that a government has suddenly taken a position that someone is guilty until proven innocent.

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Madam Speaker, Omar Khadr is a Canadian citizen and as such, the Government of Canada has an interest in his case and in his treatment in the hands of U.S. authorities.

Since his capture by U.S. forces, the Canadian government has sought to ensure that the treatment of Mr. Khadr is consistent with internationally recognized norms and standards for the treatment of juveniles, and that his age at the time the alleged events occurred is considered in all parts of the process.

Canada has requested that Mr. Khadr be provided with an education suitable to his needs and level and that he receive an independent medical and psychological assessment. Furthermore, Mr. Khadr's case has been raised on several occasions at the ministerial level with U.S. authorities.

The Canadian government has received unequivocal assurances from U.S. authorities that Mr. Khadr will not be subject to the death penalty. Canada has also sought to ensure that Mr. Khadr receives the benefits of due process, including access to Canadian counsel of his choice. Canadian government observers have been present at every one of his hearings before the military commission in Guantanamo Bay and the Court of Military Commission Review in Washington, D.C.

We facilitated the appointment of Mr. Khadr's Canadian lawyers as foreign attorney consultants in these proceedings and have consistently pressed for their access to their client. Canadian officials maintain a regular dialogue on all legal issues pertaining to Mr. Khadr's case, including with his defence team. In fact, Canadian officials met with Mr. Khadr's defence team only a few weeks ago.

Omar Khadr was arrested in 2002 by U.S. forces in the context of his alleged involvement in the armed conflict in Afghanistan following his alleged recruitment and use as a combatant by al-Qaeda. He has been detained by the U.S., has remained under U.S. jurisdiction continuously since then, and is now facing serious charges pursuant to U.S. legislation. As the report notes, these charges include murder in violation of the law of war, attempted murder in violation of the law of war, conspiracy, providing material support for terrorism, and spying. These are serious charges raising difficult issues of law and fact.

The administration of justice in the U.S. and in Guantanamo is a matter for U.S. authorities and the U.S. court system. The judicial process for a Canadian who is arrested outside Canada is governed by the laws and regulations of another country and not by Canadian law.

The Government of Canada can neither protect Canadians from the consequences of their actions nor override the decisions of local

authorities. We cannot seek preferential treatment for Canadian citizens or try to exempt them from due process.

Just as Canadians would not accept a foreign government interfering with the Canadian judicial process, the Government of Canada cannot interfere in the judicial affairs of another country. That being said, Canada strongly believes that the fight against terrorism must be carried out in compliance with international law, including established standards of human rights and due process.

The government is obviously aware of the executive orders issued by the President of the United States in respect of Guantanamo Bay detainees. Pursuant to the first of these orders, proceedings against Mr. Khadr before the military commission are presently halted. The prosecution's request for an adjournment of 120 days was granted by the military judge on January 21. However, this does not mean that he is no longer subject to the U.S. criminal justice system.

A review will now be held which will determine how the United States authorities deal with the case of each and every Guantanamo detainee, including Mr. Khadr. We are not in a position to predict the outcome of this review.

Canadian officials have carried out regular welfare visits with Mr. Khadr. The goal of these visits has been to assess his condition and provide him with a measure of support and comfort items during his ongoing incarceration. Through these visits we have sought to have Mr. Khadr's detention conditions improved and made requests for medical treatment and educational support.

Interventions by Canadian officials have resulted, for example, in Mr. Khadr's move from a maximum security facility to a communal minimum security facility within Guantanamo Bay and improved medical treatment. The Canadian government has also facilitated access to him by Canadian defence counsel and made arrangements for telephone calls between Mr. Khadr and his family.

These efforts will continue for as long as Mr. Khadr remains in U.S. custody. Canadian officials also maintain a regular dialogue with the U.S. authorities concerning his case.

● (1305)

I will conclude by saying that the Government of Canada takes seriously its responsibility for the safety and security of its citizens abroad. When Canadian citizens find themselves in a difficult situation in a foreign country, it is the mandate of Foreign Affairs and International Trade Canada to ensure they are treated fairly and that they are afforded due process under the applicable local laws.

However, the judicial process for a Canadian who is arrested outside Canada is governed by the laws and regulations of the other country and not by Canadian law. In this regard, the choice of how to try detainees currently being held in Guantanamo Bay is a matter for the relevant U.S. authorities to decide.

Canada will continue to follow all developments closely, including those that may specifically affect the disposition of Mr. Khadr's case.

*Routine Proceedings*

• (1310)

[*Translation*]

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Madam Speaker, thank you for giving me the floor even though I am all the way over in this corner of the House.

[*English*]

I appreciate the comments by my good friend and colleague, the parliamentary secretary.

Rather than dealing specifically with the report which is before him, and having had a bit of experience with this particular file, I am wondering if the parliamentary secretary could give this House an idea as to whether or not Canadian negotiations have been undertaken with the U.S. authorities for the repatriation at some stage down the road of Mr. Khadr.

I appreciate that the parliamentary secretary has suggested that this is an ongoing process. We know the troubles, and trying to follow this over the past couple of years has been very interesting, but it is extremely important that the House hear now any information the parliamentary secretary can refer to us as it relates to the ongoing negotiations as to how Mr. Khadr would be treated once, at some stage down the road, he is returned to Canada.

We know that the military commissions under presidential order were rejected. They had to be redone under the U.S. law so that Congress would proceed with them. Notwithstanding the vexing nature of this case, which of course deals with a young person who is a child combatant which is a violation of U.S. law, I am wondering if the parliamentary secretary can be very specific and very focused.

What negotiations, what talks, what undertakings is Canada now prepared to make to look after the welfare of this young man when he does return to Canada, which I believe for most people is inevitable?

**Mr. Dave MacKenzie:** Madam Speaker, as I have already indicated, it is under the responsibility of other departments rather than those that I represent. What I can say is that while he has been in the custody of the American authorities, we have been dealing with them with respect to his medical treatment, education, psychological processes, ensuring that he gets proper legal representation from the authorities that is appropriate from this side, and other things, such as access to the telephone to contact his family.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Madam Speaker, what is very regrettable is that the Canadian government is hiding behind a very thin fig leaf of credibility in terms of how it has lived up to its obligations in setting a standard, and this is what we are talking about, setting an international standard.

We are dealing with someone who was, first of all, picked up as a child combatant, and second, exposed to torture and inhumane conditions. Regardless of his guilt or innocence, Canada has an obligation.

We have the rulings of the U.S. courts. We have the ruling of the Supreme Court of Canada which has said that he has been held in abusive conditions. We have seen that our own consular officials failed in their fundamental duty which was to ensure that he was

being protected. In fact from all the evidence we are seeing, they actually have been more participants in his interrogation. That is a complete failure of leadership. It puts Canada unfortunately in a grim, small group of countries that has turned a blind eye to the use of torture and abusive techniques.

I have not seen anything from the government today which would say that it even recognizes what happened at Guantanamo. The U.S. courts were ruled to be a kangaroo system. The Canadian government failed in its fundamental obligations, regardless of the innocence or the guilt of Mr. Khadr, and the consular officials failed in ensuring that he was protected from abusive conditions when it was known that he was a child soldier when he was taken captive.

I would like to hear a very clear denunciation from the government that it would not accept any regime, allied or enemy, that is involved in torture and abuse of prisoners.

**Mr. Dave MacKenzie:** Madam Speaker, it is somewhat typical of my friend to call the American system a kangaroo court. I think most Canadians would be offended by that suggestion. We have taken a great deal of effort to make certain that Mr. Khadr does receive due process of law.

He is in a foreign country. He is not in Canada. I think that we have done yeoman's duty to ensure those things since we took power only three years ago. Mr. Khadr has been in American custody since 2002, as has been mentioned several times.

With all due respect to my hon. colleague, he needs to respect the justice system in other countries, particularly that of our neighbours to the south.

• (1315)

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Madam Speaker, we were obviously looking for a much clearer statement from the government about its international obligations. We are not talking just about working to establish appropriate standards around the world, but honouring current international human rights declarations.

The arguments on our side have strictly been around such reputable standards as the UN Convention on the Rights of the Child, notwithstanding the Canadian Charter of Rights and Freedoms. Both documents clearly require governments to adhere to a certain set of standards with respect to children in the kind of situation in which Omar Khadr found himself.

What exactly is the position of the government in terms of the UN Convention on the Rights of the Child? Does it respect and honour that convention, yes or no?

**Mr. Dave MacKenzie:** Madam Speaker, as I have already indicated, the matter is being dealt with by the proper authorities. At this point it is the U.S. government. He is in that country's custody.

There are a multitude of issues that others in particular on the other side have raised. Courts have looked at those issues, including the American courts. They continue to look at them.

I believe the American system of justice is purely that. It is a system of justice. It is appropriate. At this point it is the system that Mr. Khadr faces.

*Routine Proceedings*

**Mr. Charlie Angus:** Madam Speaker, I find it very disturbing that we have not heard a very clear answer from the member as to whether or not he believes his government should support the international protocols on torture. He is trying to portray Guantanamo Bay as a legitimate legal system when it has been proven time and time again that it has not met any of the basic legal requirements set out by any international standards. It has been rejected by the U.S. courts and the Supreme Court of Canada has ruled.

Does the member think that his government can act outside the protocols of the international standards for torture? Does he think that the government can act outside the protocols of the Supreme Court? What is the government's position on Canadian citizens who are being tortured for information abroad? Where does it stand?

**Mr. Dave MacKenzie:** Madam Speaker, we respect the international law with respect to torture. We also respect the law of foreign countries such as the United States where Mr. Khadr man is.

Those issues the member has raised will be dealt with by the court authorities in that foreign jurisdiction.

**Hon. Dan McTeague:** Madam Speaker, I will try to be more focused in my question for the hon. parliamentary secretary, my good friend from Oxford.

Understanding how a number of detainees at Guantanamo Bay have returned to their countries of origin as a result of undertakings and agreements with respect to prosecution in their own countries, could the hon. parliamentary secretary be very specific as to what negotiations are taking place currently and have taken place with the new Obama administration in order to ensure a timely and successful repatriation of Mr. Khadr? Can he elaborate on that? We are not talking about the past; I want to talk about what the government is doing presently as a means of achieving Mr. Khadr's return in the not too distant future.

**Mr. Dave MacKenzie:** Madam Speaker, with all due respect, I think I have already indicated that it is not within the area of the ministry that I represent. I do not know what has gone on with respect to those discussions. I simply cannot answer the member's question.

• (1320)

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Madam Speaker, recognizing the time, I will be drawing this debate to a close over the next 10 minutes. I want to cover some very specific points and perhaps summarize some of the positions on both sides of the House.

The first position that the Canadian government, both the current one and the previous one, should have taken is a fundamental one, that we have, as an absolute first responsibility, the responsibility to protect our citizens. That is the social contract under which all democracies function. It is the absolute fundamental principle on which we operate. We have no right being here if we do not believe that and do not follow through on that in all the opportunities we are given.

We have failed so far with regard to Omar Khadr. We have not carried out our responsibility, both this administration and the previous one.

The international law is clear, our domestic law is clear, and so is the domestic law of the United States of America. Guantanamo Bay breaches all three of those legal regimes. That has been found by the Supreme Court in the United States and by the Supreme Court in Canada. This is not something that is debatable anymore.

That is the point that is being missed by the current administration. They seem to think they can ignore those findings of fact and that determination of law that the Supreme Courts of Canada and the United States have made.

Those principles of law have been recognized by every western democracy in the world. Every western democracy in the world that had their citizens at Guantanamo Bay got them out a long time ago.

We are the only western democracy that had a child soldier at Guantanamo. We are the only western democracy that has done absolutely nothing to get its citizen out of what was a centre for torture and a gross misapplication of legal principles that have guided both the U.S. system and the Canadian system for centuries.

We could have used habeas corpus. That goes back hundreds and hundreds of years in our legal system, but they have breached that repeatedly. It is well recognized, yet we sit here today debating and hearing from the government side that somehow that system is a just system.

We just heard it a minute ago from the Parliamentary Secretary to the Minister of Public Safety, who stood in the House, as has been done so often, hundreds of times by this point, and said that is a just system. When every court that the government is supposed to pay attention to has found just the opposite, it continues to maintain that position.

As I stood to speak, I could not help but think that I spoke on this same concurrence motion in the last Parliament, which was thwarted by a technical manoeuvre by the government at that time to come to a vote. I invited the Conservatives at that time to get some courage and challenge the Bush administration and say to them, "We are going to protect our citizens and you have to repatriate him. We will deal with him. There are criminal proceedings that have to be taken against him. We will deal with him here in Canada."

They know they can do that. They have any number of opinions that tell them they can do it. What did they do? They ducked the issue by avoiding the vote that particular day.

The situation remains the same today. They still have one more opportunity to do what they are supposed to do, protect a Canadian citizen.

• (1325)

There is a whole other dimension around this issue beyond this individual case of Mr. Khadr. At any given time, when citizens of Canada are in custody in other countries, Canada has historically said to those other countries: These are the circumstances; they should be repatriated; Canada will take them back. Canada has done that in a number of different ways over its more than one century of history.

Because of the type of conduct we have seen with regard to the Khadr case and in several other ways under this administration, the credibility that Canada has built and maintained up to this point with other countries, that it will go to the nth degree to protect its citizens, has been eroded.

I cannot think of how many times I have had international delegations inside or outside Canada ask me what our government is doing. They say Canada was a leading advocate for the international protocols and treaties around child soldiers, but when we are faced with it in regard to one of our own citizens, we abandon him; we abdicate our responsibility to advocate the policies contained in those international protocols.

So Canada's credibility is being eroded internationally. It will take some rebuilding. This motion today is one of the steps to do that. It is the opportunity for a majority of the House of Commons to say both to the government and to the U.S. administration that Omar Khadr should be repatriated. Canada will deal with him here, in cooperation, probably, with U.S. authorities, but he should be repatriated.

If Omar Khadr is repatriated and Canada is going to deal with him in the criminal justice system, it will apply the international protocol with regard to child soldiers.

Canada will recognize the evidence that has been gathered by the U.S. Was it gathered under torture? All the evidence seems to say yes. Some of the people who worked at Guantanamo are coming forward now publicly. They knew Mr. Khadr while they were there with him and are saying yes, he was mistreated to the point of torture.

Canada will take that into account. We will apply the values and standards built under both the British and the French systems that are incorporated into Canada's legal system now. That is what we should be doing, not standing in the House day after day repeating this mantra that nobody else in the world believes.

The world does not believe that Guantanamo and the military commissions set up there are a just system. Nobody in the world believes that, except perhaps the Conservative Party, the government of the day.

When Australia had an individual who was charged with a serious crime, it arranged to have him repatriated.

I want to take issue with a colleague from the Liberals. When I asked the hon. member about this, he said that with the former Bush administration Canada could not have done this. I do not except that.

Britain, France, Germany, and Australia got their people out. Did Canada? No, because it did not make any attempt to get Omar Khadr out. So he still sits there, languishing.

We do not know what the outcome is going to be. However, the outcome of this motion today is at least a message that a majority of parliamentarians in Canada are saying to both the government of the day and the administration in the U.S. that in fact we want Omar Khadr repatriated. Canada commits to the U.S., as is in the report, that it will deal with him and prosecute him if that is appropriate. Canada will prosecute him according to international and Canadian law.

### *Routine Proceedings*

**The Acting Speaker (Ms. Denise Savoie):** It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now before the House.

[*Translation*]

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Denise Savoie):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Denise Savoie):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Denise Savoie):** In my opinion the nays have it.

*And five or more members having risen:*

**The Acting Speaker (Ms. Denise Savoie):** Call in the members.  
● (1330)

[*English*]

*And the bells having rung:*

**The Acting Speaker (Ms. Denise Savoie):** The vote will stand deferred until Monday, March 23.

\* \* \*

### PETITIONS

#### COLOMBIA

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I am pleased to present in the House petitions that are filed by hundreds of Canadians from coast to coast to coast, from British Columbia, Ontario and Nova Scotia. All of these petitioners call upon the government to halt any discussions with the Government of Colombia around a possible free trade agreement until such time as a human rights assessment that is done independently can fully ascertain the human rights situation in that country.

As you well know, Colombia has the worst human rights record in the Americas. It is a country that kills more trade unionists than any other country on the planet. More trade unionists die there than anywhere else. For all of those reasons, these Canadians are calling on the government to halt the process and allow an independent and fully impartial human rights assessment to take place before proceeding any further.

#### CITIZENSHIP AND IMMIGRATION

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Madam Speaker, pursuant to Standing Order 36, I have the sad duty to present a petition signed by over 700 upset constituents, and counting, who are very disappointed by the decision of the Minister of Citizenship, Immigration and Multiculturalism to deport Liubomir and Olha Nalesnik.

*Routine Proceedings*

Mr. and Mrs. Nalesnik fled Ukraine in 1994 for security reasons. They have since that time made a positive contribution to Canadian society by working continuously throughout this period, paying their taxes and volunteering in our local community. They are exactly the type of new Canadians our country needs.

Consequently, the petitioners urge the Minister of Citizenship, Immigration and Multiculturalism to reverse this decision to deport Mr. and Mrs. Nalesnik. To do so on a finding that the security threat no longer exists would destroy the lives they have built in Canada and the positive contribution they have made to our community during the last 15 years.

## PORNOGRAPHY

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Madam Speaker, I would like to present this petition signed by over 200 Canadians from the Edmonton—St. Albert constituency, calling for Parliament to enact legislation that will make the production and distribution of explicit pornography illegal in Canada.

## ASBESTOS

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I have a petition signed by thousands of citizens from across Canada who call upon the House of Commons to take note that asbestos is the greatest industrial killer that the world has ever known and that more people in fact die from asbestos-related disease than all other occupational causes combined, yet Canada remains one of the largest producers and exporters of asbestos in the world and that Canada spends millions of dollars subsidizing the asbestos industry.

These petitioners call that corporate welfare for corporate serial killers. These petitioners are calling upon Parliament to ban asbestos in all its forms and to end all government subsidies of the asbestos industry, both in Canada and abroad, and to stop blocking international health and safety conventions designed to protect workers from asbestos such as the Rotterdam Convention.

•(1335)

## SRI LANKA

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Madam Speaker, I have the honour to present a petition that calls upon the Canadian government to respond to the proposed suppression of religious freedom in Sri Lanka, and requests that the government, particularly the Minister of Foreign Affairs, take whatever steps necessary to exert its influence and prevent this contravention of basic human rights as enshrined in article 18 of the UN Declaration of Human Rights and International Covenant on Civil and Political Rights with regard to worship and the practice of faith of citizens.

This is signed by over 100 residents from Scarborough, Pickering and Ajax, Ontario.

## ANIMAL CRUELTY

**Mr. Rob Moore (Fundy Royal, CPC):** Madam Speaker, I am presenting a petition signed by a number of citizens from Ontario. The petitioners call upon the government to take strong action in the Criminal Code on animal cruelty.

## ILLICIT DRUGS

**Mr. Rob Moore (Fundy Royal, CPC):** Madam Speaker, I am presenting a petition from a number of students in Saskatchewan. The petitioners call for a toughening of the laws dealing with illicit drugs, particularly illicit drugs in schools.

## ANIMAL CRUELTY

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Madam Speaker, I have two petitions to present.

The first petition is from a significant number of citizens from London—Fanshawe who petition the Government of Canada to support a universal declaration on animal welfare. There is scientific consensus and public acknowledgement that animals can feel pain and suffer. All efforts should be made to prevent animal cruelty and reduce animal suffering.

Over a billion people around the world rely on animals for their livelihoods and many others rely on animals for companionship. Animals are often significantly affected by natural disasters, yet seldom during relief efforts and emergency planning, despite their recognized importance to humans, are they considered.

## CONSUMER PRICE INDEX

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Madam Speaker, the second petition is from a number of seniors in my riding who are concerned that Statistics Canada made a major error in its calculations of the consumer price index. That resulted in Canada's inflation numbers being underrated by half a percentage point since 2001.

This mistake affects anyone whose benefits are tied to the CPI, including recipients of Canada pension, old age security and the guaranteed income supplement. They have been underpaid by a compounded half a percentage point a year, thereby losing benefits totalling over \$1 billion for the seniors of Canada.

The petitioners call upon the Parliament of Canada to take full responsibility for this error and take the required steps to repay every Canadian who was shortchanged by a government program because of this miscalculation.

## FISHERIES

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Mr. Speaker, I rise today to present a petition on behalf of the Inverness South Fishermen's Association. These are fishermen who ply their trade from Inverness, Mabou Mines, down through Baxters Cove and Murphys Pond and along the west coast of Cape Breton, Little Judique Harbour. Sixty-five fishermen have signed this petition.

The petitioners call upon Parliament to investigate whether there has been an unreasonable and inequitable fettering of discretion with respect to the Government of Canada's allotment of snow crab fishing licenses in area 12 among the fishermen of New Brunswick, Prince Edward Island, Quebec and Nova Scotia. They call for a 3% annual assignment of annual total quota for area 12 to the association.



*Routine Proceedings***QUESTIONS ON THE ORDER PAPER**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Madam Speaker, the following questions will be answered today: Nos. 4, 6, 7, 9, 10, 11, 18, 19, 20, 21, 32 and 36.

[Text]

Question No. 4—**Ms. Dawn Black:**

With regards to the use of Claymore munitions by the Canadian Forces (CF) in Afghanistan: (a) does the CF have special doctrine for the use of the Claymore in Afghanistan; (b) does the CF chain of command give instructions with regard to the use of the Claymore and obligations under the Ottawa Protocol; (c) is the chain of command aware of uses of the Claymore that have not followed standard procedures in Afghanistan; (d) is the Minister of National Defence aware of any use of the Claymore that violated the Ottawa Protocol; and (e) is the Minister or chain of command aware of any use of the Claymore in which the intended target of the weapon was responsible for its detonation?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, in response to (a), the use of a Defensive Command Detonated Weapon C19, sometimes referred to as a “Claymore”, is restricted by Canadian Forces doctrine, and further clarified by the rules of engagement for Operation ATHENA issued to Canadian Forces personnel in theatre.

In response to (b), yes, the Canadian Forces publication entitled “Defensive Operations” provides information on the use of the C19. The publication “Ambush and Counter-Ambush” provides further information on the use of support weapons, such as the C19, for ambush tactics, techniques and procedures.

Soldiers and officers are instructed in the use of the C19 and the associated doctrine during their infantry training. Each task force is provided with C19 training in Canada before deploying to Afghanistan. This allows the Infantry battle group to practise testing, setting up and initiating the C19.

In its use of the C19, the Canadian Forces follow the International Law of Armed Conflict as set out in the Joint Doctrine manual, “Law of Armed Conflict at the Operational and Tactical Levels”. The manual, at paragraph 511(4), provides as follows:

4. The use of an anti-personnel mine that is manually detonated (for example, by land line or electronic signal from a remote or protected position) by a [Canadian Forces] member is not prohibited. Therefore, the use of an explosive device such as a “Claymore Mine” is not prohibited if it is manually detonated. Any anti-personnel mine that is designed to be exploded automatically by the “presence, proximity or contact of a person” cannot be lawfully used by the [Canadian Forces]. The “Claymore Area Defence System” is not prohibited if it is command detonated. If horizontal fragmentation weapons which propel fragments in a horizontal arc of less than 90 degrees, such as the Claymore, are placed on or above the ground, they may be used for a maximum period of 72 hours if they are located in the immediate proximity to the military unit that emplaced them, and the area is monitored by military personnel to ensure the effective exclusion of civilians.

In response to (c), (d) and (e), Canadian Forces leadership is not aware of any incident involving the placement or detonation of C19s in a manner inconsistent with Canadian Forces doctrine, rules of engagement, or the Ottawa convention.

Question No. 6—**Ms. Judy Wasylycia-Leis:**

With respect to United Nations conventions and treaties to which Canada is a signatory: (a) what are the federal government’s criteria for assessing individual provincial and territorial endorsement for ratifying a treaty or convention; (b) as of

November 1, 2008, which provinces and territories have, according to these criteria, endorsed ratification of the United Nations Convention on the Rights of Persons with Disabilities (the Convention); (c) what steps will be undertaken by the government to secure endorsement by the remaining provinces and territories; (d) when is the next federal-provincial-territorial ministerial meeting on human rights scheduled and will Convention ratification be on the agenda of that meeting; (e) has the Convention been added to the list of international human rights treaties and conventions that are standing items on meeting agendas of the Continuing Committee of Officials on Human Rights (CCOHR); (f) has progress on the ratification process for the Convention been discussed at CCOHR meetings and what is the status of that progress as of November 1, 2008 according to the minutes of those meetings; (g) is the target date for the completion of consultations with the provinces and territories on the ratification of the Convention within the required timeframe to permit Canada to participate fully in the first meeting of States party to the Convention, expected in November 2008, to chart the oversight committee’s future course and, if not, why not; (h) what is the federal government’s criteria for assessing individual provincial and territorial endorsement for signing the Optional Protocol of an international treaty; (i) as of November 1, 2008, which provinces and territories have, according to these criteria, endorsed Canada signing the Optional Protocol of the Convention; and (j) has progress on signing the Optional Protocol for the Convention been discussed at CCOHR meetings and what is the status of that progress as of November 1, 2008, according to the minutes of those meetings?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, in response to (a), the Government of Canada has sole authority to ratify international treaties and seeks to ensure that domestic laws, policies and programs comply with the treaty in question prior to ratification. Where an international treaty has implications for provincial and territorial governments, as is the case with the Convention on the Rights of Persons with Disabilities, CRPD, e.g., regarding accessibility of buildings and services, legal capacity, health, education, family law, et cetera, these governments will do their own assessments to ensure conformity with the relevant provisions of the treaty. The Government of Canada and provincial and territorial governments are currently reviewing their policies, programs and legislation with a view to ratifying the CRPD.

In response to (b), consultations with provincial and territorial governments are ongoing. It is essential that governments have the time required to consult in confidence in order to ensure Canada’s compliance and support for ratification of the CRPD.

In response to (c), the Government of Canada is providing support and assistance to provincial and territorial governments throughout the ongoing review and assessment process. All governments are actively reviewing their policies, programs and legislation as required prior to ratification. As is common practice, the Government of Canada will seek the formal support of provincial and territorial governments once these internal reviews are completed and following a decision by the federal government with respect to ratification.

In response to (d), a ministerial meeting has not been scheduled. The Government of Canada continues to work with provinces and territories through the Continuing Committee of Officials on Human Rights.

In response to (e), the CRPD is a standing item on the agendas for biannual face-to-face meetings of the CCOHR and the monthly conference calls of the CCOHR.

*Routine Proceedings*

In response to (f), discussions on ratification of the CRPD were held at the last in person meeting of the CCOHR as well as prior and subsequent conference calls. The review and consultations are ongoing.

In response to (g), the Government of Canada has not set a firm timeline for ratification in order to ensure that all governments have the time required to review their policies, programs and legislation for compliance with the CRPD prior to a final decision on ratification.

The timeframe in which governments are currently working is within the norms established by the process for ratification of other international human rights treaties which had similar implications for provincial and territorial governments.

In response to (h), (i) and (j), the process with respect to ratification of an optional protocol establishing an individual complaints mechanism in respect of an international human rights treaty, such as the optional protocol to the CRPD, is the same as the process for ratification of the treaty itself. The focus of current discussions with provinces and territories has been on the convention.

**Question No. 7—Ms. Judy Wasylycia-Leis:**

With respect to the government's cessation of funding for the First Nations and Inuit Tobacco Control Strategy announced on September 25, 2006: (a) as the evaluation of this strategy was not completed until March 2007, on what evidence of not providing "value for money" was the decision to cut funding based; (b) as the former Minister of Health, who has acknowledged the need to address the serious health implications of higher-than-average smoking rates in First Nations and Inuit populations, has given public reassurances – to the Standing Committee on Health on November 23, 2006 – that funding will be revived once a revised strategy has been developed, (i) what steps has the government taken since September 2006 to develop a revised strategy, (ii) what is the target date for the initiation of the revised strategy and its full funding; and (c) as the strategy's evaluation document cited the absence of statistical data as an impediment in evaluation, will the collection of baseline and ongoing national tobacco use statistical data specific to First Nations and Inuit be included in the revised strategy and its funding?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, in response to (a), in budget 2006, the Government of Canada promised to review programs to ensure every taxpayer dollar spent was achieving results, providing value for money and meeting the needs of Canadians. As a result of this expenditure review, funding for the first nations and Inuit tobacco control strategy, FNITCS, was eliminated because the program had been ineffective in achieving its goal of lowering the smoking rates among first nations and Inuit. Current data indicates that smoking rates among first nations and Inuit remain very high, at approximately triple the Canadian average; 59% of first nations and 58% of Inuit are smokers.

In response to (b)(i), in September 2006, the federal government committed to work with first nations and Inuit leaders to examine options for measures that would reduce smoking, prevent the harms of tobacco smoke, and show accountability for results not achieved by the former first nations and Inuit tobacco control program. First nations and Inuit leaders are important partners and have a major role to play in an effective program that will meet the needs of their community, address the issues of smoke-free spaces, youth smoking and access to tobacco products.

Canadian and international evidence shows that in order to achieve lasting results, tobacco control actions must be comprehensive, integrated and sustained. This includes the full range of interventions, including prevention, cessation, education, as well as protection—smoke-free spaces, retailer actions and compliance—, pricing, research, surveillance and evaluation.

Health Canada has worked with first nations and Inuit partners in a number of ways to promote evidence based approaches to tobacco control: supported the Assembly of First Nations to hire a special adviser to the national chief; collaborated with the Assembly of First Nations on public opinion research regarding first nations health directors' perceptions of tobacco control activities; and supported Inuit tobacco network to develop an evidence based, Inuit specific strategy.

In response to (b)(ii), this work, in collaboration with the Assembly of First Nations and Inuit tobacco network, has informed first nations and Inuit participation in the federal tobacco control strategy, FTCS. Funding is available to support first nations and Inuit projects through the FTCS proposals process. In addition, Health Canada supports a range of health promotion programs in first nations and Inuit communities, from diabetes prevention to maternal and child health promotion. These programs aim to enable first nations and Inuit to adopt healthy lifestyles, which includes tobacco cessation.

In response to (c), national tobacco use statistical data specific to first nations is being collected through the first nations regional longitudinal health survey. Data is currently being collected for the phase II 2008 survey. Tobacco use data specific to Inuit, as well as other aboriginal residents of Canada, is collected through Statistics Canada's aboriginal peoples survey. Results of the 2006 survey were released December 3, 2008.

**Question No. 9—Ms. Kirsty Duncan:**

With respect to mitigating the impacts of the next pandemic influenza: (a) have provincial pandemic plans been tested during the last twelve months and, if so, which ones were tested, and what revisions were made based on lessons learned; and (b) what legislative and logistical steps has the government taken regarding social distancing measures?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, in response to (a), for the Canadian pandemic influenza plan, a number of provincial and territorial jurisdictions have either conducted comprehensive testing of their pandemic plans, have tested components of them, e.g. mass delivery and administration of vaccines, incident command system. In some jurisdictions, local exercises have occurred while others have also taken part in national exercises related to pandemic testing. Additionally, testing of the structures and processes that will be used during a pandemic has occurred as a result of recent avian influenza outbreaks or exercises related to other events, e.g., the 2010 Olympics. All of these activities have enabled jurisdictions to learn lessons that are being applied to pandemic preparedness and response.

*Routine Proceedings*

In response to (b), the Quarantine Act is the legal authority under which the Government of Canada implements actions at Canadian points of entry to limit the introduction and spread of communicable diseases. Activities associated with this include screening of travellers at points of entry into or exit from Canada. Sick travellers are isolated and placed under this authority until believed to no longer pose a risk to the public. Social distancing measures are identified in Annex M, Public Health Measures, of the CPIP. Annex M provides overarching guidelines of logistical steps that can be taken by the provinces and territories during a pandemic to control the spread of pandemic influenza. Decisions regarding implementation of these measures would be made at the discretion of provincial, territorial and local levels and will depend upon many factors including, but not limited to, severity of disease, level of disease in community, and societal impact. Social distancing measures are one component of a community based disease control strategy and can range from logistical recommendations to stay home if ill to closure of schools and daycare settings and restriction of public gatherings. These guidelines are considered by pandemic planners across the country. Timely communication of any public health measures and other relevant information to all affected will be important to help ensure compliance with the recommended interventions at the time of a pandemic. Provinces and territories would take logistical steps to implement guidelines according to the situation in their respective communities.

**Question No. 10—Ms. Kirsty Duncan:**

With regards to the risk of a pandemic influenza: (a) what steps has the government taken to protect the health of Canadians during the initial delay in the availability of a specific influenza vaccine for the pandemic strain; (b) what human health and economic costs have been identified for Canada for the delay period, and what steps has the government taken to reduce these costs; (c) what is the government stockpile of Tamiflu, and has the government achieved the stockpile target for antivirals and, if not, when will it be reached; and (d) what specific steps has the government taken to address the limited shelf life of Tamiflu, and the development of resistance to the drug?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, in response to (a), the Government of Canada, in partnership with provinces and territories, has developed the Canadian pandemic influenza plan for the health sector, a planning tool to guide all those involved in planning and responding to an influenza pandemic. The multi-faceted plan includes a pandemic vaccine and antiviral strategy. The national antiviral stockpile, NAS, has been established to protect Canadians while a vaccine is being developed. Additionally, non-pharmaceutical measures and public messaging will be implemented to reduce the risk of disease transmission during the initial period when a pandemic virus-specific vaccine is not available.

In response to (b), the Department of Finance has conducted preliminary assessments of the economic impact and concluded that a pandemic would have limited economic effects and that a 1918-type pandemic would likely reduce annual GDP growth by up to one percentage point in the pandemic year. Planning assumptions in the Canadian pandemic influenza plan for the health sector are that a pandemic may last 12 to 18 months and more than one wave may occur within a 12 month period; that 15% to 35% of the population will be clinically ill over the course of the pandemic and, that there would be an estimated 20% to 25% rate of workplace absenteeism during the peak one to two weeks of the pandemic wave. Canada's

comprehensive approach which includes vaccine and antiviral strategies, non-pharmaceutical measures, e.g., social distancing, and public communications, would reduce the impact on human health.

In response to (c), governments have achieved the stockpile target amount for the NAS and will continue to manage the stockpile to ensure that the appropriate composition and size is maintained. The NAS contains 55.7 million doses of antivirals. An additional 14.9 million doses of antiviral treatment are stockpiled in the national emergency stockpile system for surge capacity. These numbers do not include additional provincial and territorial stockpiles or other private or government departments stockpile amounts.

In response to (d), federal, provincial and territorial public health experts are reviewing options to address the limited shelf life of Tamiflu. Moreover, in order to ensure the best possible antiviral strategy for Canada, regular reviews are conducted on new and emerging evidence on antiviral resistance, the optimal mix and amount of drugs in a diversified stockpile.

**Question No. 11—Ms. Kirsty Duncan:**

With regards to the stockpiling of Tamiflu for an influenza pandemic: (a) how does Canada rank among other G7 countries in terms of the number of antiviral treatments the government has stockpiled or intends to stockpile; (b) how do the steps of the government compare to the actions of other G7 countries in terms of using Tamiflu for prophylaxis and treatment; (c) what is the ethical framework for identifying priority groups during a pandemic, and what priority groups have been identified by the government for prophylaxis and treatment; and (d) what priority age groups in order of ranking for prophylaxis and treatment during an influenza pandemic have been identified?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, in response to (a), Canada is comparable to other G7 countries in having a stockpile of antivirals for approximately 25% of the population. This includes the provincial and territorial, P/T, stockpiles of the national antiviral stockpile, NAS, the federal national emergency stockpile system, NESS, and other federal and provincial and territorial stockpiles. Antivirals are only one component of Canada's multi-facet approach for managing a pandemic. Canada is unique in having a domestic supply agreement for the provision of pandemic vaccine. Canada's target for antiviral stockpiles was established to complement other aspects of our pandemic response.

In response to (b), the Government of Canada, in collaboration with provinces and territories, has developed policy recommendations for the use of antivirals during a pandemic. Canada's recommendations of a limited prophylaxis strategy are well within the range of plans of G7 countries. The recommendations do not support widespread use of antivirals for prevention but limited use in the following two situations: in the pandemic alert period, should cases occur in Canada, to prevent illness among people who are known to have close contact with infected individuals and during a pandemic for controlling outbreaks in "closed settings" such as long-term care facilities.

*Routine Proceedings*

In response to (c), the Canadian pandemic influenza plan for the health sector outlines the ethical framework for planning and response to an influenza pandemic. Canada has a “treat all who need it” strategy, so there are no priority groups identified for early treatment. A report and policy recommendations on the use of antivirals for prophylaxis during an influenza pandemic was released in 2008 and included the ethical considerations that informed the recommendations. The recommendations can be found at the following weblink: <http://www.phac-aspc.gc.ca/publicat/2008/prapip-uappi/07a-eng.php>

In response to (d), Canada has not identified priority groups specifically for antiviral treatment during a pandemic. Age was not a factor when the policy recommendations for prophylaxis were made.

**Question No. 18—Mr. Dennis Bevington:**

With regard to section 5.2 of the Canada Oil and Gas Operations Act and the issuance of oil and gas licenses to Paramount Resources in the Cameron Hills region of the Northwest Territories: (a) what rationale has the Minister used to determine that a benefits agreement with local Aboriginal people is not required; (b) why has the government refused to discuss a benefits agreement with the local Aboriginal people; and (c) why has the government insisted that such discussions be carried out through the Deh Cho Land Claims negotiations?

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, in response to (a), section 5.2(2) of the Canada Oil and Gas Operations Act provides the authority to the minister to approve or to waive the requirement of approval of a benefits plan in respect of any oil and gas-related work or activity in non-accord frontier areas. The minister has no authority with regard to section 5.2(2) to determine the requirement for a benefits agreement between Paramount Resources and local aboriginal people. A benefits agreement is a bilateral contractual agreement between an operator and a community.

In response to (b), a benefits agreement is a bilateral contractual agreement between an operator and a community. The minister has no authority pursuant to the Canada Oil and Gas Operations Act to discuss benefits agreements with local aboriginal people. The Act does provide the authority to the minister to approve or to waive the requirement of approval of a benefits plan.

In response to (c), a benefits agreement is a bilateral contractual agreement between an operator and a community. Land claims negotiations have consistently provided the basis for the consideration of agreements of this nature.

**Question No. 19—Mr. Tony Martin:**

With respect to the statement by the Minister of Human Resources and Skills Development in the House of Commons on November 21, 2008, what is the evidence, statistical or otherwise, based on a number of standards to measure poverty in Canada, that the cuts to the goods and services tax and the introduction of the universal child care benefit are in fact reducing poverty?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, this government is supporting the child care choices of all families with young children in a clear and tangible way through the universal child care benefit, UCCB.

Since July 2006 the UCCB has been providing \$100 each month, that is \$2.4 billion per year, for two million children under six years of age.

This direct financial support helps parents, regardless of where they live, their hours of work or the choices they make, pay for the type of care that is best for their family.

The UCCB has lifted an estimated 24,000 families with about 55,000 children out of low income. This estimate is based on the social Policy Directorate’s microsimulation model that examines the distributional impacts of changes to tax and transfer programs.

The two-point reduction in the GST rate, from 7% to 5%, provides substantial tax relief to all Canadians, including those who do not earn enough to pay income tax.

**Question No. 20—Hon. Anita Neville:**

With regard to decommissioned military bases: (a) how many homes are vacant at the Kapyong Barracks; (b) how many homes are presently vacant across the country at decommissioned military bases; (c) what is the cost to maintain the vacant homes at the Kapyong Barracks; (d) what is the cost to maintain all vacant homes across the country at decommissioned military bases; (e) what decommissioned bases across the country have been transferred to Canada Lands; (f) which decommissioned military bases are waiting to be transferred to Canada Lands; (g) what regulations are in place for decommissioned military bases with vacant housing that determines the use and occupancy of these houses; (h) when was the last time the regulations were changed with regard to the use of the houses on decommissioned military bases; and (i) is there any flexibility in the application of these regulations or the use of them?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, in response to (a), the Kapyong Barracks site does not contain homes. The adjacent Winnipeg South Housing site has 110 vacant homes and is intended for transfer to Canada Lands Company.

In response to (b), 17 homes are vacant at the decommissioned military base in Jericho Beach, British Columbia, and 430 homes are vacant at the Rockcliffe site in Ottawa, Ontario.

There are also other sites that do not fit the Department of National Defence’s definition of decommissioned military bases; however, the sites are surplus to National Defence requirements and contain vacant homes. These sites include: Winnipeg South Housing site, Winnipeg, Manitoba, (110 homes); Oakville, Ontario, (61 homes); and Shannon Park, Nova Scotia, (32 apartment buildings containing 420 apartment units).

In response to (c), The Kapyong Barracks site does not contain homes; however, the operating and maintenance cost for the Winnipeg South housing site was \$673,000 in fiscal year 2007-2008.

In response to (d), The costs for operation and maintenance of the vacant homes at the decommissioned military bases for fiscal year 2007-2008 are as follows: Jericho Beach, British Columbia,—\$65,000; and Rockcliffe site, Ottawa, Ontario,—\$1,800,000.

*Routine Proceedings*

There are also other sites that do not fit the Department of National Defence's definition of decommissioned military bases; however, the sites are surplus to National Defence requirements and contain vacant homes. The costs associated with these sites are as follows: Winnipeg South,—\$673,000; Oakville,—\$200,000; and Shannon Park, Nova Scotia, has 32 apartment buildings, which are not maintained due to severe disrepair and will be demolished.

In response to (e), the following decommissioned bases have been transferred to Canada Lands Company: Chilliwack, British Columbia; Calgary, Alberta; Greisbach, Alberta; —London, Ontario, no homes were on the site; and Moncton, New Brunswick, no homes were on this site.

In response to (f), decommissioned military bases waiting for transfer to Canada Lands Company include Jericho, British Columbia, and the Rockcliffe site in Ottawa, Ontario.

There are also other sites that do not fit the Department of National Defence's definition of decommissioned military bases; however, the sites are surplus to National Defence requirements and are intended for transfer to Canada Lands Company and are at various stages of the transfer process. These sites include: Kapyong Barracks, Winnipeg, Manitoba, no homes on this site; Winnipeg South Housing site, Winnipeg, Manitoba; Oakville, Ontario; Denison Armoury site, Toronto, Ontario, no homes on this site; Highbury, Ontario, no homes on this site; Terrebonne, Quebec, no homes on this site; and Shannon Park, Nova Scotia, contains apartment buildings.

In response to (g), there are no regulations specific to vacant housing on decommissioned military bases.

For active military bases, Treasury Board's Isolated Posts and Government Housing Directive, the Defence Administrative Order and Directive 5024-0—Department of National Defence Living Accommodation and Queen's Regulations and Orders—Appendix 4.1—Charges for Family Housing Regulations apply.

In response to (h), the Isolated Posts and Government Housing Directive became effective 1 August 1, 2007. Defence Administrative Order and Directive 5024-0 became effective April 1, 2007. Queen's Regulations and Orders Appendix 4.1 became effective September 1, 2001.

(In response to (i), the Canadian Forces Housing Agency applies the regulations in order to meet the needs of Canadian Forces' members and their families with respect to Department of National Defence accommodation housing. The regulations also contain a provision that allows the Canadian Forces Housing Agency to provide Department of National Defence housing to members of the RCMP, indeterminate employees of the Department of National Defence and other government departments.

Question No. 21—**Hon. Anita Neville:**

With regard to the Indian Residential Schools Settlement: (a) what steps have been taken by the government to ensure that survivors of the Île-à-la-Crosse Residential School in Saskatchewan receive compensation that is set out in the Indian Residential Schools Settlement; (b) does the government have records of survivors from the Île-à-la-Crosse Residential School and, if so, how many does the department have record of; and (c) what are the unresolved issues of which the Prime Minister spoke about in the House of Commons on June 12, 2008 that are preventing the

government from compensating the survivors of the Île-à-la-Crosse Residential School in Saskatchewan?

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, in response to

(a), the government has received requests for compensation under the Indian Residential Schools Settlement Agreement from former students of Île-à-la-Crosse. The government referred to schedule "E", Residential Schools Settlement Agreement. The government researched and provided a decision that the proposed institution, Île-à-la-Crosse, does not meet the test set forth under article 12 of the Indian Residential Schools Settlement Agreement. The government has been unable to approve applications for compensation naming the Île-à-la-Crosse institution because it does not qualify under the Indian Residential Schools Settlement Agreement.

In response to (b), the government has two historical records relating to the potential or possible admission of 14 students to the Île-à-la-Crosse Institution.

In response to (c), the unresolved issues of which the Prime Minister spoke about in the House of Commons on June 12, 2008 refer to the fact that Canada was not jointly or solely responsible for the operation of certain institutions and, as a result, cannot offer compensation under the Indian Residential Schools Settlement Agreement. Île-à-la-Crosse is one of the institutions in this category.

Question No. 32—**Mr. Peter Stoffer:**

Since February 2006, has the government engaged in any discussions, initiatives, proposals, or directives concerning changes to the existing military supply chain process for the Canadian Forces?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, Military supply chains are among the most complex in the world. In order to adapt to an environment of constant change, continuous improvement is an integral part of military supply chain management. Discussions are held between stakeholders on an ongoing basis to review the performance of the supply chain and its ability to respond to change in a timely manner. Risks and opportunities for improvement are identified and ongoing in areas such as inventory visibility, inventory velocity, and integration of both financial and materiel accountabilities.

Question No. 36—**Ms. France Bonsant:**

With respect to the Royal Canadian Mounted Police detachments that were closed in Quebec in 2004: (a) five years later, what are the government's plans for these nine detachments, specifically with respect to their possible reopening and to an increase in border staff; and (b) if an analysis of the positive and negative impacts of closing these detachments was done, what were the findings?

*Routine Proceedings*

**Hon. Peter Van Loan (Minister of Public Safety, CPC):** Mr. Speaker, in response to (a), the Government has no current plans to review the Royal Canadian Mounted Police detachment closures that took place in the province of Quebec in 2004. These closures stemmed from the force's strategic planning exercise to better align its resources with its organizational priorities. Key municipal and policing stakeholders were consulted as part of the strategic planning exercise to help maximize the efficiency and effectiveness of RCMP resources.

This government has been, and remains committed to enhancing the security of our border and helping to stem the flow of contraband and weapons entering the country that pose an important threat to the safety and security of our communities. This includes increased investments in the RCMP, as well as working closely with provincial, municipal, and U.S. partners to conduct threat assessments, identify new and emerging threats at the border and building upon successful border enforcement programs, such as Integrated border enforcement teams, to better deter, identify, and interdict organizations and individuals involved in cross-border crime. There are 24 integrated border enforcement teams strategically located along the Canada-U.S. border, including four teams operating in the province of Quebec.

In response to (b), the RCMP conducts regular border specific assessments. Based on the risks identified in those assessments and other factors such as the need for critical mass in certain locations, our resources are adequately deployed.

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• (1340)

[English]

**QUESTIONS PASSED AS ORDERS FOR RETURNS**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Madam Speaker, if Questions Nos. 1, 5, 8, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34 and 37 could be made orders for returns, these returns would be tabled immediately.

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

**Some hon. members:** Agreed.

[Text]

**Question No. 1—Hon. Larry Bagnell:**

With respect to the Building Canada Fund (BCF): (a) in order of economic priority projects approved to date, (i) where are they located, (ii) who are the partners involved, (iii) what is the federal contribution, (iv) what is the partners' contribution, (v) what is the total estimated cost, (vi) what were the criteria used in ranking the importance of the project, (vii) what is the benefit to Canadians, (viii) what is the number of jobs created during the construction period and number of permanent jobs created after completion of the project, (ix) what are the results of any environmental assessments and impact studies of the project; (b) what are the environmental projects approved in order of priority to date, (i) where are they located, (ii) who are the partners involved, (iii) what is the federal contribution, (iv) what is the partners' contribution, (v) what is the total estimated cost, (vi) what are the criteria used in ranking the importance of the project, (vii) what is the benefit to Canadians, (viii) what is the number of jobs created during the construction period and permanent jobs created after completion of the project, (ix) what are the results of any environmental assessments and impact studies of the project; (c) from the Public Private Partnership Fund which is a component of the BCF, (i) what are the number of projects approved, (ii) what are the locations of the projects, (iii) what is the cost per project, (iv) what is the federal contribution, (v) what is the private partner contribution, (vi)

what is the benefit of the project, (vii) what is the demonstrated need for the project, (viii) what is the number of jobs created during construction, (ix) what is the number of permanent jobs to be created after completion; (d) under the Gateways and Border Crossing Fund, another component of the BCF, (i) what are the approvals to date of funding expenditures under this program, (ii) what are the criteria for the approval and anticipated outcomes, (iii) what is the priority ranking of the expenditure approval, (iv) what are the results of any environmental assessment, (v) what is its policy, (vi) what is its governance, (vii) what were the technology and marketing assessments used in determining the funding approval; and (e) under the Provincial-Territorial Base Funding component in the BCF, (i) what are the amounts given to each province and territory since the creation of this funding, (ii) what is the amount of funding used for safety-related rehabilitation of infrastructure in each province and territory, (iii) what are the projects where the improvements were made, (iv) what are the expenditures involved and the projected outcome of each improvement, (v) what is the amount of funding that has been used on non-core national highway system infrastructure and where, (vi) what is the amount of each provinces' and territories' matching contribution compared to the federal contribution for a total project cost?

(Return tabled)

**Question No. 5—Ms. Dawn Black:**

With respect to Canada's mission in Afghanistan and the transfer of detainees by the Canadian Forces (CF): (a) what is the total number of detainees transferred by the CF to other entities since the beginning of Canada's mission in Afghanistan, (i) on an annual basis, (ii) over the total length of the mission; (b) of the number in (a), what is the breakdown by (i) citizenship, (ii) sex, (iii) age; (c) to which entities have the detainees been transferred; (d) to which locations have the detainees been transferred; (e) what is the total number of detainees currently held by the CF; (f) of the number in (e), what is the breakdown by (i) citizenship, (ii) sex, (iii) age; (g) what is the total number of reports and allegations of abuse of prisoners captured by the CF filed by (i) the CF, (ii) Corrections Canada, (iii) RCMP since February 1, 2008; and (h) what are the titles of each report on Afghan detainees produced by Canadian officials and their publication date?

(Return tabled)

**Question No. 8—Ms. Judy Wasylycia-Leis:**

With respect to the government's actions to detect, prevent and treat Lyme disease in Canada: (a) by what standard is the accuracy of Lyme disease testing conducted at the National Microbiological Laboratories evaluated; (b) when was the most recent independent evaluation of the proficiency of this testing conducted, by whom and what were the results; (c) what are the current criteria for determining whether a geographical area is deemed to be endemic for Lyme-infected ticks; (d) what is the projected schedule of field study with regard to such endemic areas; (e) with respect to the recommendations of the National Conference on Lyme Disease hosted by the Public Health Agency of Canada (PHAC) in March 2006, (i) have the committees to develop new guidelines on surveillance, clinical and laboratory criteria been formed and, if so, when have they met, (ii) what stakeholder groups have participated in the development of new guidelines, what form has that participation taken, and when did it occur; (f) what is the government's strategy to protect Canadians from the increase in incidents of Lyme disease anticipated by PHAC; (g) what is PHAC's strategy to increase (i) physicians' and other health professionals' awareness of the symptoms of Lyme disease, (ii) the Canadian public's awareness of the symptoms of Lyme disease; (h) what measures has the PHAC taken in conjunction with provincial health authorities to increase professional and public awareness; (i) what are PHAC's measurable targets for the future increase of awareness and diagnostic accuracy of Lyme disease; (j) does Health Canada recommend the screening of blood for Lyme disease or co-infections such as babesiosis, as done in the United States and, if not, why not; and (k) what research projects into Lyme borelia and tick-borne co-infections, their epidemiology, their possible role in the occurrence of other diseases, and their treatment are currently being funded by the government and have been government funded during the past five years?

(Return tabled)

*Routine Proceedings***Question No. 16—Mr. Marcel Proulx:**

With respect to the distribution of jobs in the government and all federal organizations in the National Capital Region: (a) how many jobs have there been on the Quebec side of the National Capital Region each year since March 31, 2004; and (b) how many jobs have there been on the Ontario side of the National Capital Region each year since March 31, 2004?

(Return tabled)

**Question No. 17—Mr. Marcel Proulx:**

With respect to the square meters occupied by the federal government and all federal organisations in the National Capital Regions: (a) how many square meters have been used on the Quebec side of the National Capital Region each year since March 31, 2004; and (b) how many square meters have been used on the Ontario side of the National Capital Region each year since March 31, 2004?

(Return tabled)

**Question No. 22—Hon. Anita Neville:**

With regard to the National Parole Board and the Department of Public Safety: (a) what mechanisms are put in place to ensure a fair and culturally responsive approach to the parole board's administration; (b) are there specific considerations taken into account when Aboriginals appear before the parole board; (c) what mechanisms are put in place to ensure that there is suitable Aboriginal representation on the parole board; and (d) currently, what percentage of parole board members are Aboriginal?

(Return tabled)

**Question No. 23—Hon. Larry Bagnell:**

Given that the governments of the United States and the United Kingdom have recognized the security implications of climate change and have acted accordingly: (a) has the Prime Minister or any of his Ministers been briefed by the Canadian Security Intelligence Service, Department of National Defense or Communications Security Establishment Canada on the security implications of climate change on Canada; (b) have security and government officials from the United Kingdom and the United States shared their information on this matter with the Canadian government; (c) as this is a matter of public record in the United Kingdom and the United States why has it not been disclosed in Canada; and (d) what has been the government response to the potential security issue that you have been alerted to by the British, U.S. or Canadian officials?

(Return tabled)

**Question No. 24—Hon. Hedy Fry:**

With regard to the forestry industry in British Columbia (BC): (a) what specific steps has the government taken to reduce the dependency of the BC industry on the United States construction business and to facilitate and expand the sale of BC lumber to Asia; (b) for the years 2006-2007 and 2007-2008 what is the specific breakdown of the \$400 million promised in the 2006 budget to deal with the mountain pine beetle and to stimulate new economic opportunities for lumbering-dependent communities and job retraining for forest industry workers in (i) terms of exact funds to communities for economic re-adjustments together with the names of the communities, (ii) what are the projects and funds spent on pine beetle research and alleviation, (iii) what are the specific projects and funds spent on job retraining initiatives; (c) what money was transferred to the BC government for fire prevention initiatives for the years 2006-2007 and 2007-2008, and to pine beetle ravaged communities which are at prime risk for summer forest fires; and (d) what specific initiatives and funds has the government allocated over 2006-2007 and 2007-2008 to the at "risk for fire" aboriginal communities in BC's interior?

(Return tabled)

**Question No. 25—Hon. Hedy Fry:**

With respect to grants and federal funding allocated or transferred by the Department of Canadian Heritage to arts and culture festivals in the province of British Columbia: (a) what was the total spending given to the province, broken down by festivals for the years 2006-2007 and 2007-2008; (b) what is the projected allocation of grants and federal funding for the years 2008-2009 and 2009-2010; and (c) specifically to the Vancouver Organizing Committee for the 2010 Olympic and

Paralympic Winter Games, what amount was given or is projected to fund, broken down by program, all cultural Olympiad programs, all bilingual initiatives and the francophone village and cultural events, for the fiscal years 2006-2007, 2007-2008, 2008-2009, 2009-2010?

(Return tabled)

**Question No. 26—Hon. Hedy Fry:**

With respect to the British Columbia salmon fisheries industry: (a) what concrete steps has the government undertaken to the development and implementation of an ocean's management strategy given that the 10 year Ocean Management Plan sunsets this year and what particular steps have been taken with regard to conservation, including a precautionary approach to management of the salmon fisheries; (b) what steps have been taken to allocate the First Nations of British Columbia a 50% share of all fisheries, and to increase treaty settlement funds to enable purchase or buy-back licenses and allow for relocation; (c) considering the devastation the mountain pine beetle has caused to the salmon industry through erosion of watersheds, what actions has the government taken to mitigate the damage to salmon spawning beds; and (d) how much money has the government given to revitalize the salmon industry, in particular the sport fishing industry in British Columbia, which contribute a large part to the salmon industry?

(Return tabled)

**Question No. 27—Mr. Todd Russell:**

With respect to tax treatments offered to the fishermen from Atlantic Canada and Quebec: (a) were the fishermen who accepted the Atlantic Fisheries Groundfish Retirement Package and who permanently gave up their fishing licences in the years 1999 and 2000 advised in writing by the Department of Fisheries and Oceans to report, at the time of filing their income tax, that the retirement lump-sum payment was to be counted as revenue from a capital gain and, if so, (i) why, (ii) why did the Department of Fisheries and Oceans issue this advice, (iii) how many fishermen did the Department of Fisheries and Oceans give that advice to; (b) why did Revenue Canada or the Canada Customs and Revenue Agency agree to give certain other fishermen a different tax treatment than the one outlined above, for the same retirement years; (c) how many fishermen received that different tax treatment; (d) why did the Minister of National Revenue and the Federal Minister of Fisheries advise these former fishermen (or their survivors in the case of deceased former fishermen) to appeal to the Regional Director of Taxation in St. John's for a review; (e) has the Regional Director of Taxation informed the affected individuals that he will not accept their appeals and, if so, why; and (f) did Revenue Canada or the Canada Customs and Revenue Agency reach an out-of-court settlement in 2007 with a certain number of fishermen who had appealed their tax treatment and, if so, (i) why, (ii) why were the fishermen involved in that out-of-court settlement required to sign a secrecy or non-disclosure document, (iii) how many fishermen were involved in that out-of-court settlement?

(Return tabled)

**Question No. 28—Mr. Todd Russell:**

With regard to the Building Canada Fund (BCF): (a) what projects have been awarded funding; (b) for each of these projects, what was (i) the dollar share of project costs funded by the government, (ii) the percentage share of project costs funded by the government, (iii) the content and specifications of the project, (iv) the location of the project; (c) what are the government's plans to accelerate infrastructure spending under the BCF; (d) how much funding has been or will be allocated for each province and territory; and (e) what is the cost-sharing formula for cost-shared projects with other orders of government?

(Return tabled)

*Government Orders*

**Question No. 29—Mr. Todd Russell:**

With regard to 5 Wing Goose Bay, for each of the fiscal years 2004–2005 through 2008–2009 inclusive: (a) what was the total amount spent, or for the current year budgeted to be spent, by the Department of National Defence (DND) or the Canadian Armed Forces in respect of 5 Wing Goose Bay, indicating for each fiscal year the operational budget, capital budget, payroll, and other expenses; (b) what specific measures, if any, have been taken towards the establishment of a rapid reaction battalion and unmanned aerial vehicle squadron at 5 Wing Goose Bay; (c) what is the operational requirement for 5 Wing Goose Bay referred to by the former Minister of National Defence and when was it instituted; and (d) what specific marketing initiatives has DND undertaken with regards to attracting clients to 5 Wing Goose Bay, stating (i) who has undertaken this marketing for or on behalf of DND, (ii) what are the budgeted or actual expenditures for these marketing initiatives?

(Return tabled)

**Question No. 30—Mr. Francis Scarpaleggia:**

—With regard to the installation of cell phone communications towers and the electro-magnetic fields and radio-frequency radiation they emit: (a) when was a federal permit awarded to install a cell phone tower at Saint-Joachim church located at 2 Saint-Anne, Pointe-Claire, Quebec, H9S 4P5; (b) who is the service provider who applied for and was awarded the permit; (c) what justification was given by the service provider for requiring a cell phone tower permit for that particular location; (d) what are the technical specifications of the cell phone tower for which a permit was awarded; (e) what limits or conditions, if any, were attached to the permit; (f) do technical specifications and other permit conditions vary according to the nature of the surrounding environment, specifically as regards to whether schools, hospitals, or residential units are located in the vicinity; (g) what requirements were placed on the City of Pointe-Claire in regards to consulting local residents before a federal permit was awarded for the Saint-Joachim cell phone tower, and were these general requirements applicable to all municipalities in Canada or were all or some conditions specific to this particular tower; (h) how many other permits have been awarded in the past for installation of cell phone towers in Pointe-Claire, where are these located, and who are the providers who operate the towers; (i) what evidence has the government used to establish that cell phone towers are not a threat to human health generally and to the health of vulnerable populations like children specifically; (j) in establishing allowable risks associated with cell phone towers does the government apply a maximum acceptable threshold of risk that incorporates the precautionary principle as laid out in the 1992 Rio Declaration on Environment and Development (signed at the United Nations Conference on Environment and Development) and, if not, what other standards, if any, of precaution are reflected in the applied risk threshold; and (k) is the government aware of literature or studies, including the most recent, that suggest there is risk, especially for children, associated with the close proximity of schools, hospitals, or residential units to cell phone towers and, if so, on what basis has the government dismissed these findings?

(Return tabled)

**Question No. 31—Mr. Francis Scarpaleggia:**

With regard to the two rerouted March 2008 Cubana Airlines flights flying from Havana and Varadero, Cuba to Montréal and the December 2008 Air Canada flight flying from Vancouver to Toronto that were stranded on the tarmacs of the Ottawa and Vancouver International Airports, respectively: (a) has the government investigated any or all of these incidents and, if so, what conclusions have been drawn regarding the cause of the passengers being held on a plane without enough food and water; (b) what steps or procedures were followed by the airport authority to finally deplane the passengers; (c) could any of these steps or procedures have been taken earlier and, if not, what constraints prevented these steps or procedures from being taken earlier; (d) are there currently any policies, laws, or regulations that set out a time limit for how long a plane with passengers can be held on the tarmac and, if not, has the government developed any recommendations for such policies, laws, or regulations; (e) is the government aware of any existing procedures, established voluntarily by airport authorities, to be followed in situations where a plane with passengers is left on the tarmac for a considerable period of time; (f) is there an accountability mechanism whereby tarmac delays above a reasonable threshold must be reported to the government; (g) to what extent, if any, was the RCMP involved in resolving any or all of these incidents; (h) if the RCMP was involved, what specific steps did they take to resolve any or all of these incidents; and (i) are there potential civil or criminal liabilities arising from these events?

(Return tabled)

**Question No. 33—Mr. Peter Stoffer:**

With regard to the HMCS Chicoutimi crew personnel who were on board during the October 2004 HMCS Chicoutimi fire: (a) what post-trauma services were offered to the personnel and following which timeline the services were offered; (b) what is the total number of hours of sick-leave taken post accident by month up to and including today's date; (c) how many individuals have applied for disability pensions or long-term disability directly related to this accident; and (d) how many were approved for disability pensions or long-term disability directly related to this accident to date?

(Return tabled)

**Question No. 34—Mr. Peter Stoffer:**

With regard to the anthrax vaccine administered to Canadian Forces (CF) serving in the Gulf War: (a) did the government complete independent testing on the safety of the vaccine; (b) did the government complete a study on the health of CF personnel who receive the vaccine; and (c) has the government continued to monitor or undertaken any follow up studies on the health of CF personnel who received the vaccine?

(Return tabled)

**Question No. 37—Mr. Bill Casey:**

With regard to the federal emergency preparedness funding to the provinces and territories over the last five years for firefighting equipment: (a) how much funding has the government contributed to those specific projects which involved the purchase of firefighting equipment through the Joint Emergency Preparedness Program (JEPP); (b) what is the specific breakdown of the government's emergency preparedness contributions, by province and territory; and (c) other than the JEPP program, what other funding has been made available to the provinces, territories and municipalities to specifically support the purchase of firefighting equipment?

(Return tabled)

[English]

**Mr. Tom Lukiwski:** Madam Speaker, I ask that all remaining questions be allowed to stand.

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

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[Translation]

### CANADA-EFTA FREE TRADE AGREEMENT IMPLEMENTATION ACT

The House resumed from March 11 consideration of Bill C-2, An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation, as reported (with amendment) from the committee, and of Motion No. 1.



**Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Madam Speaker, I am pleased to rise once again here today to speak to Bill C-2, which should lead to the implementation of the Free Trade Agreement between Canada and the states of the European Free Trade Association. The Standing Committee on International Trade has already studied it at length. We have heard from a number of witnesses and we are ready to debate it here today at this stage.

The Bloc Québécois has already indicated that it is generally in favour of this agreement. We in the Bloc think that it is a good agreement, especially for the Quebec economy, because there are attractive economic opportunities for us in the countries that are signing it. I will not spend any more time on why we support this agreement, since this has already been explained in previous speeches by some of my colleagues and myself, during the debate at second reading.

In my last speech I also spoke about shipbuilding and its place in this agreement, and I will take advantage of this opportunity to clarify my position on this matter. First of all, I must say that I am aware of the concerns the representatives of the shipbuilding industry in Quebec have about the implementation of this agreement.

The future of our shipyards is a matter of vital importance to Quebec, particularly its eastern part, where a sizeable portion of the economy depends on the economic spinoffs from the shipyards. I feel it is absolutely vital for Quebec's shipbuilding industry to remain healthy and able to develop in the years to come. For that to happen, the government needs to finally accept its responsibilities and invest in this field.

It must be understood that the difficulties being experienced by the shipyards and the marine industry in general did not just crop up today, and the blame must not be laid on the adoption of an agreement whose impact will not be felt here for many years to come. On the other hand, we must not miss our opportunity to make a major change of direction in our marine policy. We can state that there is no real marine policy in Canada at this time, and that could cause real trouble in future years if action is not taken now.

There is no denying that there will be more competition. We have concerns about competition from countries like Norway, where the marine sector has been heavily subsidized for many years. That said, we must start immediately to implement measures to help this industry become more modern and more competitive. We know that the major problem, the real problem, is that for years the shipbuilding sector has suffered, and still does, from a flagrant lack of government support. It is time the needs of Quebec and Canadian shipyards were paid attention to.

According to the agreement in question, there will be a tariff phase-out on the most sensitive shipbuilding products, for up to 15 years in certain cases. After that period of adjustment, no tariff protection will be allowed, and ships from EFTA countries including Norway will appear on the Canadian and Quebec market and compete on an level playing field with our own. This would not pose a problem if we were not so far behind.

According to the witnesses we heard in committee, if our borders were opened to our competitors tomorrow morning, our shipyards

### *Government Orders*

would simply not survive. That would be a very bad thing, because our shipyards are essential on a number of levels—economic, strategic and environmental.

One question comes to mind today: what will our shipbuilding industry look like in 15 years?

We are convinced that if the government finally assumes its responsibilities, as I was saying earlier, and decides to recognize that establishing a true marine policy is of the utmost importance, this industry will surely progress and be in an excellent position with respect to its future competitors.

• (1345)

Obviously, we do not believe that the government will take any action at all without pressure from those concerned. Therefore, in the hope of obtaining some movement by the government on this issue the Bloc Québécois presented the following important recommendation to the Standing Committee on International Trade before the free-trade agreement takes effect:

...the Canadian government must without delay implement an aggressive Maritime policy to support the industry, while ensuring that any such strategy is in conformity with Canada's commitments at the WTO.

That was the only recommendation made in the report. The Conservatives never see any problems with their policies, the Liberals, as usual, failed to propose any recommendations, and the NDP, in its predictable opposition to free trade, opposed the agreement altogether. The Bloc Québécois recommendation, which finally received the committee's support and was included in its report, meets the expectations of many shipbuilders in Canada and Quebec. Even though they have no hope of seeing their sector excluded from the agreement, they do expect the government to act quickly and forcefully.

We see in the report that, according to representatives of shipbuilders and marine workers:

...without combined access to the structured financing facility and accelerated capital cost allowances, the impact of the agreement would be devastating to the industry and would lead to job losses. In their view, this additional government support was critical if the Canadian industry was to survive increased competition from Norwegian producers.

Some will say that Norway has announced that it has stopped subsidizing its shipbuilders and that that will enable Canada to compete on a level playing field with that country. But what are we doing to make up for all the years when there were no subsidies here, while Norway was achieving the high level of competitiveness it enjoys today, thanks to generous government support? Quite simply, there needs to be a dramatic shift in the federal approach to the marine industry, which means abandoning the laissez-faire policy the Liberals and Conservatives have followed to date.

*Government Orders*

I am happy that we are holding this debate on the trade agreement with the European Free Trade Association, because it reveals how fragile our marine industry is in the face of foreign competition and forces us to take a stand on these issues quickly. It is not the agreement that is bad, but our policy. That is why a change of direction is imperative. In 5 or 10 years, it will be too late. We must act now. With a few targeted measures, our shipyards can become modern, productive, financially healthy and extremely competitive. The biggest problem to date has been the lack of political will to change things, and it is high time that changed too.

Of all the aspects of this free trade agreement, this one has concerned me the most. The other aspects of the agreement, including agriculture, seem to be well handled and in line with Quebec's interests.

I would just like to add, as some of my colleagues have already pointed out, that this free trade agreement may open the door to a future agreement with the European Union. We must seize the opportunity when it arises and, more importantly, be ready to compete.

• (1350)

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I listened with interest to my hon. colleague from Rimouski-Neigette—Témiscouata—Les Basques.

Workers in Quebec have said very clearly that the Bloc should support the NDP amendment. Workers in Lévis and at the Lauzon shipyards have very clearly said that they want the Bloc Québécois members to support the NDP amendment.

Perhaps they can be forgiven for the softwood lumber agreement, the softwood sellout that has cost Quebeckers so much. Even Guy Chevrette had said we should sign the agreement. At present, no one in Quebec, no one in the entire shipbuilding sector, is asking the Bloc members to vote in favour of this agreement. Quite the opposite, and the consensus is very clear. The Quebec industry wants the Bloc members to support the NDP amendment.

It seems that the orders are coming from the Conservatives. I find this disappointing. I know the member for Rimouski-Neigette—Témiscouata—Les Basques fully understands what is at stake, but the Leader of the Bloc Québécois—

**The Acting Speaker (Ms. Denise Savoie):** I must interrupt the hon. member in order to give the hon. member for Rimouski-Neigette—Témiscouata—Les Basques the opportunity to respond.

**Mr. Claude Guimond:** Madam Speaker, as my Bloc Québécois colleagues and I have said repeatedly during the debates on Bill C-2, we think this free trade agreement is an excellent agreement. We have all been very clear. However, we must make sure it is accompanied by a real, vigorous policy in order to ensure that Quebec and Canada can be very competitive in the coming years, to be able to compete with countries like Norway.

[*English*]

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

**Some hon. members:** Question.

**The Acting Speaker (Ms. Denise Savoie):** The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Denise Savoie):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Denise Savoie):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Denise Savoie):** In my opinion the nays have it.

*And five or more members having risen:*

**The Acting Speaker (Ms. Denise Savoie):** Call in the members.

*And the bells having rung:*

**The Acting Speaker (Ms. Denise Savoie):** A recorded division on Motion No. 1 stands deferred until the end of government orders today.

\* \* \*

• (1355)

**CRIMINAL CODE**

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC)** moved that Bill C-14, An Act to amend the Criminal Code (organized crime and protection of justice system participants), be read the second time and referred to a committee.

He said: Madam Speaker, I am proud to speak to this very important piece of legislation. Across Canada, we have been witnessing an escalation in organized crime activity, including gang violence.

Like a number of Canadians, I am profoundly troubled by the wave of violence associated with organized crime and particularly with street gangs.

Organized crime affects all our communities in all the regions of this great country and I think it would be fair for me to say that there is unanimous agreement, hopefully, from all parties, that action is needed. Despite what we saw with the concurrence motion today, I am hoping that the hon. members at this end of the House will get the message that Canadians want us to move forward on organized crime legislation.

The last thing Canadians want at this time is to have this bill held up by political posturing and to unduly delay these necessary Criminal Code measures to effectively fight organized crime and gangs.

*Statements by Members*

I will be clear that this bill is a priority for this government and, therefore, we will only be putting up a few speakers to try to expedite its passage. We would expect the bill to be debated and passed to the Senate before the Easter break. This would ensure the bill receives royal assent well before the summer recess.

It is incumbent, in my opinion, upon all members of Parliament to walk the walk and talk the talk to ensure legislation like this gets passed in the House.

With this bill, we are proposing firm but appropriate responses to some of the growing problems of organized crime and their threats to public safety. I am hopeful that hon. members will do the right thing and expedite its passage because, according to the Criminal Intelligence Service Canada, approximately 900 identifiable organized crime groups are operating in urban and rural communities across Canada. The majority of these criminal organizations operate at the street level where they are generally referred to as street gangs. A high proportion of these groups are involved in trafficking in such things as drugs and stolen property.

This is why, coupled with this piece of legislation, we have introduced another bill as well. The next bill in our line of fighting crime in this country deals specifically with drugs because we know drugs are the currency of organized crime and gangs. I hope that bill receives appropriate treatment by the House, and by that I mean that it is expedited and moved through this process so Canadians will get the kind of laws they want and deserve.

Criminal organizations rely upon networking and collaboration with other criminal groups to conduct their illegal activities. However, regardless of their motives and their level of sophistication, these individuals are a plague on our communities. With these illicit activities comes, of course, gang violence and, tragically, this violence has profound effects—

**The Acting Speaker (Ms. Denise Savoie):** I regret to interrupt the hon. minister but he will have 18 minutes when this debate resumes.

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## STATEMENTS BY MEMBERS

[English]

### KEITH KELLY AWARD

**Mr. Deepak Obhrai (Calgary East, CPC):** Madam Speaker, the Keith Kelly Award for Cultural Leadership has been awarded annually since 1998, when it was first established to recognize the leadership shown by the former national director of the Canadian Council for the Arts. The award is presented to a Canadian who has made a significant contribution to the arts through advocacy work or the development of cultural policy.

This year's winner of the Keith Kelly Award is Simon Brault, director general of the National Theatre School of Canada and vice-chair of the Canada Council for the Arts. Mr. Brault is being awarded for his work with Culture Montréal, which brings together people from all backgrounds to promote and recognize the richness and diversity of Montreal culture.

I send my warm congratulations to Simon Brault.

● (1400)

### GAVRIEL AND RIVKA HOLTZBERG

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Madam Speaker, an act of brutal terrorism shocked the Chabad-Lubavitch Jewish Centre in Mumbai last November.

Rabbi Gavriel Holtzberg, his wife, Rebbetzin Rivka Holtzberg, of blessed memory, and four others lost their lives in doing God's work at this Chabad House, a refuge of humanitarian service open to all.

The Holtzbergs' young lives were a living ethic of doing good in the face of evil with deeds of kindness and charity. They would have wanted others to carry on.

Today, the Canadian Federation of Chabad Lubavitch and over 100 Chabad rabbis are hosting a memorial service here on Parliament Hill to both commemorate the work of the Holtzbergs and to celebrate the Lubavitch ethic of Keruv and Tikkun Olam, repairing the world.

I am honoured to have been asked to co-chair this service and to work with Rabbi Chaim Mendelsohn to ensure that the lives of the Holtzbergs continue to serve as an inspiration for everyone.

\* \* \*

[Translation]

### ALEXANDRE BILODEAU

**Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ):** Madam Speaker, Quebec freestyle skier Alexandre Bilodeau has once again made his mark at the world championships, winning the gold medal in the men's dual moguls event in Inawashiro, Japan. This world title is certainly a dream come true for Alexandre and something he is very proud of.

Alexandre had an outstanding start to the year and won the single moguls event on the Olympic course in Vancouver before claiming victories in Sweden and Norway. All these performances have earned him the crystal globe as the men's overall world cup leader. The young moguls skier relies on outstanding technique and extraordinary concentration to dominate in his sport.

I want to congratulate him on his many victories, and all my Bloc Québécois colleagues join me in wishing him the best of luck in the future. Bravo, Alexandre.

\* \* \*

### INTERNATIONAL DAY OF LA FRANCOPHONIE

**Mr. Claude Gravelle (Nickel Belt, NDP):** Madam Speaker, on Friday, March 20, 2009, the Organisation internationale de la Francophonie will celebrate the 39th anniversary of its founding, in 1970. As one of the founding members, Canada will mark the International Day of La Francophonie by paying tribute to the contribution of Acadian communities and highlighting its support for the 4th Congrès mondial acadien to be held in August 2009.

To celebrate the International Day of La Francophonie, the Greater Sudbury ACFO is organizing La Nuit sur l'étang, a music festival promoting franco-ontarian artists, to be held on March 21, 2009, at 8 p.m., at the Sudbury campus of Collège Boréal.

*Statements by Members*

Francophones around the world will celebrate this day by expressing their solidarity and desire to live together, with their differences and in their diversity, thus sharing the values of La Francophonie.

I wish all francophones and francophiles in Canada, and elsewhere, a good International Day of La Francophonie.

\* \* \*

[English]

**CANADIAN FEDERATION OF CHABAD-LUBAVITCH**

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Madam Speaker, today, more than 100 emissaries of the Canadian Federation of Chabad-Lubavitch have gathered for a national conference here in Ottawa.

At the funeral for the slain emissaries in Mumbai, the movement pledged that Jews traveling to and living in the city would not be forgotten and that the Chabad centre would flourish again. It was two rabbinical students from Canada who were sent to Mumbai to assist in these efforts.

This action is typical of the Canadian involvement in Chabad-Lubavitch world-wide. Canadian alumni of Chabad-Lubavitch institutions play a vital role among the more than 5,500 Chabad-Lubavitch emissaries situated in 73 countries as far-flung as Thailand, Ukraine and Chile.

Canada has been a catalyst for many Chabad-Lubavitch activities across the globe with its educational, humanitarian and youth centres. Our country boasts centres to assist those who are less fortunate, including children with special needs and drug and alcohol addicts.

These are programs that are being emulated throughout North America and, indeed, throughout the entire world.

\* \* \*

**DIABETES**

**Mr. Todd Russell (Labrador, Lib.):** Mr. Speaker, diabetes affects far too many lives and is a major health concern in many aboriginal communities. However, there are rays of hope. People are literally on the move against diabetes, raising awareness and money to combat this epidemic.

In southern Labrador, Métis elder Guy Poole created “Liz’s Walk” in memory of his wife who lost her life to complications in 2004. Over the past three years, Guy has walked the southern Labrador road from Cartwright to L’Anse au Clair.

Farther north, Michel Andrew, or Giant as he is known, began his own cross-Labrador walk between the Innu communities of Sheshatshiu and Natuashish on February 11. En route, the 27 year old Innu man received a hero’s welcome as he passed through the Inuit communities of Postville and Hopedale. His fundraising and awareness walk has attracted hundreds of followers who are monitoring his progress online.

Inspirational efforts like these give us hope that diabetes can indeed be beaten.

• (1405)

[Translation]

**FORESTRY INDUSTRY**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, we all recognize that the forestry industry is in crisis. However, we should also know that this is a market crisis. Today, forestry sector representatives appeared before the Subcommittee on Canadian Industrial Sectors and acknowledged this fact. We were reminded of the importance of the softwood lumber agreement to this industry and the positive effect of the measures included by our government in the economic action plan.

Our approach is clear: we are protecting the forestry industry, the communities and, above all, the workers. While the Bloc members are just playing partisan politics, our government is implementing concrete measures that are recognized by the sector. The Bloc members should be in “solution” mode and not “destruction” mode. On this side of the House, we are taking real action.

\* \* \*

**MARC-ANDRÉ THIBAUT**

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, I would like to congratulate Marc-André Thibault, who is a resident of Vaudreuil-Soulanges and music teacher at Cité des jeunes high school. As a teacher, he has two great passions: helping young people succeed and music.

For the past 20 years, he has been directing choirs and organizing music camps and exchanges with European musical groups. Currently, he is putting together a fourth album with his students. He believes that music plays an important role in educating young people and building their confidence by teaching them what it means to succeed through hard work and responsibility.

On behalf of the citizens of Vaudreuil-Soulanges and my Bloc Québécois colleagues, I would like to offer my sincere congratulations to Marc-André Thibault, who was named “person of the week” by *La Presse* and Radio-Canada.

Bravo, Marc-André.

\* \* \*

[English]

**LEADER OF THE LIBERAL PARTY OF CANADA**

**Mr. Tim Uppal (Edmonton—Sherwood Park, CPC):** Mr. Speaker, an article in yesterday’s *Edmonton Journal* raises serious concerns about past comments made by the current Liberal leader.

It quotes his book *Blood and Belonging*, in which he states, “Ukrainian independence conjures up images of embroidered peasant shirts, the nasal whine of ethnic instruments”. The Liberal leader goes on to say, “My difficulty in taking Ukraine (its sovereignty) seriously goes deeper...I’m also what Ukrainians call a Great Russian, and there is a trace of old Russian disdain for these ‘little Russians’.”

These offensive statements are unacceptable for a man who wishes to lead our country. The Liberal leader’s 36—

*Statements by Members*

**The Speaker:** The hon. member for Madawaska—Restigouche.

\* \* \*

[*Translation*]

#### ENTREPRENEURIAL SPIRIT

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Speaker, on March 7, I had the opportunity to attend the Entrepreneurial Adventure banquet at Dalhousie. The Open for Business centre put on a conference for Restigouche high school students. The purpose of the conference was to have participants take on the challenge of becoming student entrepreneurs for the summer. During the conference, 40 students got a chance to learn the basics of entrepreneurship and develop their entrepreneurial spirit.

I would like to congratulate the participants, who demonstrated their leadership abilities, as well as all of the entrepreneurs who went out of their way to work with these future leaders. I would also like to salute the Open for Business centre for its work. The centre's services contribute to developing an entrepreneurial spirit in the region and encourage people to consider entrepreneurship as a viable career choice.

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[*English*]

#### GAVRIEL AND RIVKA HOLTZBERG

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Mr. Speaker, last November, a terrible slaughter occurred in Mumbai. Among the more than 170 people slain by religious fanatics were Rabbi Gavriel and Rivka Holtzberg. The Holtzbergs were a devout couple, with a young son. They ran Nariman House, an outreach centre devoted to the spirit of charity and the love of learning found at Judaism's core.

Our colleague, the hon. Minister of Immigration, visited Nariman Chabad House after this infamous attack. In his words, "I marvelled that of the 20 million in Mumbai the killers meticulous and deliberately sought out this one man and his family".

Their murder was a senseless and brutal affront to the values of all civilized peoples.

I am sure I speak for all members of the House in expressing condolences to the Chabad Lubavitch family that is gathering in Ottawa this week and to all who mourn the deaths of Gavriel and Rivka Holtzberg. Together, we must work to protect freedom of religion in order to secure tolerance and genuine peace for all of the people of the world.

\* \* \*

● (1410)

#### CANADIAN FEDERATION OF CHABAD LUBAVITCH

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I join my colleagues in paying tribute to the Canadian Federation of Chabad Lubavitch and its delegation of 100 representatives who are here with us today on Parliament Hill.

The Chabad-Lubavitch movement provides the largest network of Jewish educational and social service institutions across the globe.

Founded by the late Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, out of the ashes of the Holocaust, the Chabad-Lubavitch movement has been a catalyst for Jewish revival around the world. Today, it is synonymous with wisdom and kindness, offering nourishment for the body, food for the mind and soul and non-judgmental advisers always willing to listen.

In the tradition of classical Jewish scholarship, it teaches understanding of the Creator and the purpose of Creation and the unique mission of each one of us in caring for others.

I conclude by expressing our deep sorrow at the recent tragedy in Mumbai where a Chabad centre was singled out in an act of terrorism, in which Rabbi Gavriel and his wife Rivka Holtzberg were brutally killed.

\* \* \*

[*Translation*]

#### LEADER OF THE LIBERAL PARTY OF CANADA

**Mrs. Sylvie Boucher (Beauport—Limoilou, CPC):** Mr. Speaker, the Liberal leader has no plan for Canada's economy. That is why he is supporting a job-killing carbon tax. He says he would consider increasing the GST.

The Liberal leader said he would cancel the \$1,200 universal child care benefit offered by the Conservative government, saying it was a waste of money, to let parents decide how their children are cared for.

Canadians have a clear choice to make between a real plan that reduces taxes for families, helps those hardest hit and invests in roads, bridges and other infrastructure, and a Liberal leader with no plan and no economic experience, but with the misguided intention

**The Speaker:** The member for Saint-Maurice—Champlain.

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#### MUMBAI ATTACKS

**Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ):** Mr. Speaker, on November 26, 2008, a series of horrific attacks took place in Mumbai, India, leaving 172 people dead and more than 300 injured. We remember that the terrorists who attacked the Chabad centre in Mumbai savagely assassinated Rabbi Gavriel Holzberg and his wife, Rivka Holzberg.

To commemorate this sad event, 100 rabbis representing the Canadian Federation of Chabad Lubavitch are on Parliament Hill today. I commend this group's values of peace, goodness and justice and the work it does both internationally and in Quebec.

I condemn these unwarranted attacks against innocent people. No cause or claim can justify such attacks against civilians. I would like to remind this House that the Bloc Québécois has always condemned violence and that there are other ways to defend and realize political visions.

*Oral Questions*

[English]

**SEARCH AND RESCUE**

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, we pray that potentially tragic news received today may still be turned to triumph.

A more than serious situation is currently unfolding at sea in the north Atlantic, as 17 souls are believed to be struggling for their very lives in icy and turbulent waters.

At 9 a.m. this morning, a marine distress call was received from an offshore helicopter ferrying crews to the floating Sea Rose platform working the White Rose field 315 kilometres at sea. At this hour, there is hope, prayer and unstoppable resolve to use every available resource, every asset available to us to save these souls. That, and that alone, must command us now.

We are fearless and tearless until each and every man is brought home and accounted for.

As mariners, we are strengthened by the knowledge that one member of the 18-man crew has been found safe and has been returned home. Where there is one, there may be others.

I am assured that every resource, every available asset has been deployed for this rescue.

Let the House offer to the families of those in peril at this hour our very prayer. We are with them this day.

\* \* \*

**LEADER OF THE LIBERAL PARTY OF CANADA**

**Mr. Rodney Weston (Saint John, CPC):** Mr. Speaker, I would like to read a quote from the International Monetary Fund report regarding the fiscal action taken by this Conservative government. It states, “the authorities responded proactively to the crisis. The IMF supports a strong fiscal package announced in January, which was large, timely, and well targeted”.

Implementation of our plan is now the key challenge. Why does the leader of the Liberal Party want to stand in the way of Canada's economic recovery? While the Conservative government has listened to Canadians and has come up with a plan, the Liberal leader is too busy listening to the poor judgment of Warren Kinsella, and has no plan.

Canadians have two options: the Conservative plan of cutting taxes, providing help for those hardest hit, investing in roads, bridges and other infrastructure; or a Liberal approach, led by a leader that has no plan, no economic experience and a not so hidden agenda to impose—

•(1415)

**The Speaker:** The hon. Leader of the Opposition on oral questions.

**ORAL QUESTIONS**

[English]

**EMPLOYMENT INSURANCE**

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, Senate hearings discovered that eligibility for EI benefits was backdated two weeks prior to royal assent of the budget. This morning Liberal senators unanimously agreed to vote immediate passage of the budget. That way Canadians will be eligible for the help they need as early as March 1.

Will the Prime Minister instruct his Conservative senators to do the same so that Bill C-10 can get royal assent and Canadians in need of enhanced EI get the help they need right now?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, while I look forward to answering that question, let me just tell the House that I spoke with Premier Williams earlier today regarding the tragic accident that has occurred off Newfoundland. The House will know that one survivor has been brought to St. John's. I can assure the House that intensive search operations continue to be under way for the other passengers of that helicopter.

I know all of us in the chamber want to share our thoughts and prayers with the families who are anxiously awaiting word on their loved ones.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, could I ask the Prime Minister again whether he is prepared to instruct the Conservative senators to vote speedy passage of Bill C-10 so that enhanced EI will be available?

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

**Mr. Michael Ignatieff:** I am unclear as to why this is amusing.

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

**The Speaker:** Order. I think we have the question. The right hon. Prime Minister may want to answer.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, even the Leader of the Opposition found the humour in that question.

Conservative senators have not been the problem. The problem has been the Liberal Party and the Liberal leader, who were told that every delay in the Senate would delay the delivery of important employment insurance benefits.

I hope the leader of the Liberal Party will use this as a lesson that he would be well-advised, rather than to just be a critic, to act constructively in dealing with this economic crisis.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, how did we get here? There are only two possibilities: either the government did not know that it had backdated EI eligibility in this way, in which case it was incompetent; or the government knew, kept it quiet so the Senate would go away into recess, and then hoped it could play political games on the backs of the unemployed for two weeks.

Which is it, incompetence or heartless political gamesmanship?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the gamesmanship is that the leader of the Liberal Party continues to want to cash in on bad economic news while not offering this country any constructive suggestions. He and his party were playing a game in the Senate with this bill. They should not have done that. I am glad they are not doing it any longer, but I hope they make a vow not to do this kind of thing again.

\* \* \*

[Translation]

**THE ECONOMY**

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, the Parliamentary Budget Officer, the TD Bank, the Bank of Montreal and the IMF all say that the Prime Minister's forecasts are incorrect. The government said it would create 190,000 jobs with its stimulus plan. It left that goal out of its progress report. New statistics on job losses will be released tomorrow.

Is the Prime Minister determined to stick with his economic forecasts?

• (1420)

[English]

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, as a matter of fact, the government actually may have an economic action plan that it can now put into place. We are happy that the senators have decided to move on.

As the Prime Minister referred to, we had lots of time to get this done. There was lots of time for the opposition to show leadership. Instead of playing games, the Liberals could have directed the Senate immediately to at least read the budget. They would have found that in fact EI extension cannot take place until the bill receives royal assent.

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, we have more bad news today. TD Bank has said the Canadian economy will lose 500,000 jobs this year and that the unemployment rate will be in double digits, 10% by the end of the year and going into the first half of 2010.

Yesterday I asked the finance minister, why he dropped in his quarterly report the commitment in the budget to create or save 190,000 jobs.

Today I ask, did he abandon the 500,000 Canadians who will become unemployed? Does he not care about the 10% of Canadians who will be unemployed this year?

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, we do care about all Canadians. That is why we have been working so hard on this side of the House to make sure our economic action plan is put in place as soon as possible.

We have spent months communicating and negotiating with the opposition trying to get this through. We had the most broad prebudget consultation talking to Canadians to find out from them what they wanted us to do.

That is where the economic action plan came from. Unfortunately, we did not receive any good suggestions from the leader of the official opposition.

\* \* \*

[Translation]

**FORESTRY INDUSTRY**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the Prime Minister created confusion yesterday by linking loan guarantees and subsidies. I would like to think that was a mistake. Loan guarantees are precisely what the forestry industry needs, and they are totally legal. Moreover, in committee today, Guy Chevette, president of the Quebec Forest Industry Council, commented that the claim that the loan guarantees were illegal was tendentious and intellectually incorrect.

Will the Prime Minister clarify the situation and tell us that the loan guarantees are not subsidies, and are legal under the rules of the WTO, NAFTA and the softwood lumber agreement?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, I too would like to quote someone who was at the same committee this morning, Avrim Lazar, President of the Forest Products Association of Canada. During the meeting of the subcommittee, Mr. Lazar said that solutions for the forestry industry needed to reflect the real problem, which is the market. The help the industry needs during this period of crisis is access to credit, work sharing for employment insurance purposes, and assistance for communities, and these are all measures contained in our economic action plan.

He also spoke of helping Canadians to keep their jobs when the market picks up, with new products and new markets, measures that are also included in our economic action plan.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, clearly the Washington lobbyist disguised as a minister has not answered the question, any more than the Prime Minister has.

The truth is that the Prime Minister has an ideological mental block as far as economic policies for Quebec businesses are concerned. We are seeing a return to the old Reform roots. Back in its day, for ideological reasons, the Reform Party leaked information to Embraer, in order to harm Bombardier before the WTO. It was the Reform Party that did that.

Does the Prime Minister intend, out of ideological pig-headedness, to reserve that same fate for the Quebec forestry industry? Let him stand up and answer the question on loan guarantees.

[English]

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, day after day the leader of the Bloc Québécois gets up in the House and focuses on something that is going on in the courtroom. There are two cases in which the question of loan guarantees is being taken up.

He can spend his time hanging around the courtrooms and hanging around the lawyers, but we are out there on the street and in the forestry industry with those companies that are needing help.

*Oral Questions*

Through EDC, for instance, there is credit insurance available. There are financing agreements available. There are bond provisions through our various ministries and itemized in the budget. There is a wide range of programs for forestry companies and for workers.

We are there helping the workers. Those members should get out of the courtroom and help us in reaching the workers.

• (1425)

[*Translation*]

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, the forestry industry is asking for loan guarantees because liquidity is dangerously low. This morning, at the Subcommittee on Canadian Industrial Sectors, all Quebec forestry representatives indicated that loan guarantees are legal under the softwood lumber agreement and important to their survival.

Instead of sticking to their ideology, will the Conservatives respond to the alarm sounded by the forestry industry and finally provide loan guarantees?

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, I was pleased to receive a letter from my counterpart this morning because I invited him yesterday to meet with our representatives from Export Development Canada.

He said that he wanted to meet with them to learn about and have a greater understanding of programs available to the forestry industry. We will be meeting with him.

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** By giving credence to the protectionism of the U.S. forestry industry, the Minister for Economic Development is contradicting the position taken by Canadian lawyers at the London Court.

Does the chief lobbyist for the U.S. in this House realize that by refusing to provide loan guarantees he is killing the forestry industry in Quebec regions, not just his but mine as well?

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, the Bloc continues to mislead the public and forestry workers. Nothing is happening in London.

[*English*]

If the Bloc members cannot even get the details right about where these deliberations are taking place and they do not even know in what city they are taking place, how can we trust them on any other information they are putting out there?

EDC is there with provisions for financing, for bonds, for credit insurance. We have programs for workers. We have work share programs. We are helping the workers. The Bloc should forget about the lawyers and start helping the workers.

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**AUTOMOTIVE INDUSTRY**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, first let me add the words of condolence of our members to the families who are watching the unfolding terrible events as a result of the helicopter crash.

Yesterday Canadian auto workers took action to save jobs at General Motors. It was bold action. On the same day the president of Chrysler told a committee that 9,000 auto workers at Chrysler could be thrown out of work and those families could be facing unemployment.

The workers took bold and strong action. It is time that the federal government showed the same courage. When is the Prime Minister going to take action to protect auto jobs and create the green jobs of the future?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, as the leader of the NDP knows well, we are in discussions with the automobile manufacturers. We are doing that in collaboration with the government of Ontario and also with the government of the United States. We are looking at various forms of possible assistance, provided of course, that that assistance will be part of a broad plan that involves sacrifices by all stakeholders to ensure that these companies will be viable in the long term. That is the basis, and the only basis, on which we will make taxpayer contributions. Obviously, those discussions continue.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, according to the industry minister, the Canadian auto industry is in, as he called it, an “existential crisis”. We do not need some kind of pop psychology here. What we need is a strategy for the creation of the green auto production of the future. We tabled such a plan five years ago.

When is the federal government going to get moving on this? Does the Prime Minister recognize that the lack of action could result in the absolute collapse of the Canadian auto industry? Does he intend to do anything about that at all?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, to be serious, the plan for the long-term viability of these companies does have to be developed by these companies. That is why we are in discussion with the companies, why other governments are working with us and why we are working, provided we have the plans that will ensure viability, to put in place the necessary supports.

However, it is not going to be done on some report on the back of an envelope from the NDP. This is a serious economic problem. This government is engaged in it and obviously we are working to achieve a successful conclusion in collaboration with our provincial and American counterparts.

• (1430)

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Prime Minister is saying to people that he is going to take care of the banks, but when it comes to the auto sector and auto workers, they are on their own. That is essentially his message.

[*Translation*]

According to the Minister of Industry, the future of our auto sector is in the hands of American consumers. That is not leadership. The Prime Minister should be showing leadership.

Is the agreement between GM and CAW acceptable or not?

Will the Prime Minister hold an auto summit and get everyone together in the same place at the same time so that we can find a solution to this crisis? Yes or no?



*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, for months we have been in talks with our partners in the United States and Ontario to develop and to receive a long-term development plan from these companies. That will be the basis of any and all assistance offered by the federal government.

[English]

I do have to take some quarrel with what the leader of the NDP says. The Government of Canada has not bailed out banks. That is one of the things that makes this country different from just about every other country in the world.

\* \* \*

[Translation]

**RURAL REGIONS**

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Speaker, even before the start of the current economic crisis, a number of regions in Quebec were facing major rural exodus problems. In a number of regions, the closures of sawmills, paper mills and manufacturing companies, which had not received any support, further limit opportunities for young people outside the major centres.

What future do the Conservatives foresee for rural regions?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, the department it is my pleasure to head will continue to support the regions in Quebec through a series of programs that we will announce by March 31. Some \$1 billion will be distributed countrywide, and, of that, over \$200 million will go to the regions of Quebec for economic diversification. We are very concerned by what is happening in the forestry industry, as we have already said. It is a market issue, unfortunately. Our products are selling less than before. We must be ready for the recovery, and that is what we are doing with all the regions in Quebec.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Speaker, the rural exodus is a vicious circle. The lack of opportunities causes many of our young people to leave their region to try their luck in the city. Labour is in shorter and shorter supply, and businesses locate where it is available, which in turn further limits opportunities in the regions, and the cycle continues.

What do the Conservatives intend to do to put an end to this vicious circle?

**Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC):** Mr. Speaker, we intend to do it by investing in each of the regions in Quebec, by being on the ground as we always are and by bringing in programs that will help the regions recover. Yesterday and again this morning, we met a number of representatives of the forestry industry. Next week, I will again have the pleasure of visiting the regions of Quebec in order to announce some very good news in various regions.

[English]

**SCIENCE AND TECHNOLOGY**

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, the minister of state continues to mislead Canadians about science funding, claiming he has increased spending on research. Statistics Canada numbers are clear as day. OECD numbers point to the same thing. As a per cent of GDP, in real terms Canada is spending hundreds of millions of dollars less now than in 2005.

Claiming that the \$2 billion in university infrastructure is also a direct investment in research is not only double-counting, it is blatantly false. When will the Conservatives introduce themselves to the truth?

**Hon. Gary Goodyear (Minister of State (Science and Technology), CPC):** Mr. Speaker, first of all, I would like to thank the member for voting for those kinds of initiatives. I would also like to point out that this government has put more money into the science and technology sector than that government ever has: \$5.1 billion.

I want to mention that the IMF actually said that this is the right economic stimulus for this country at this time. It is certainly a lot better than a carbon tax.

• (1435)

[Translation]

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, as we all know, talent is mobile and gravitates towards the universities where it will be recognized, be it in Canada or abroad.

“We are going headfirst into a cement wall,” said Doug Crawford, a neuroscientist at York University. “The very best scientists will leave,” added Heather Monro-Bloom, the President of McGill University. “They want to make use of their talents at all costs”.

Those are not my words. That is what our scientists are saying. Is the minister telling them they are wrong?

[English]

**Hon. Gary Goodyear (Minister of State (Science and Technology), CPC):** Mr. Speaker, this government has supported science and technology in a capacity that has never happened in the history of this country. We are doing that because it creates jobs for the future. It stabilizes and diversifies our economy going forward. It improves the quality of life for Canadians.

That is exactly why we are doing it. This particular year, we put \$2 billion into the universities and colleges, because that was their number one ask. That is what they asked for, and it does create jobs right now. It is a brilliant idea, and I want to thank the member for voting for it.

*Oral Questions*

[Translation]

**THE ENVIRONMENT**

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, the first UN report on the future of water commends Quebec on its approach but strongly condemns Canada, particularly the oil companies in Alberta that use vast quantities of water to extract oil from the oil sands, threatening the very existence of the Athabasca River, where the water comes from.

Does the Minister of the Environment realize that by subsidizing the oil industry as he is doing, he is contributing directly to the ecological disaster the report condemns?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, the Bloc is misinformed about this issue. I have said a number of times that Canada is and will be responsible in developing all energy sources in Canada. That principle underlies our clean energy dialogue with the United States, and it also underlies hydroelectric projects and the use of water in extracting oil from the oil sands.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, instead of acting like an oil company lobbyist, he should work to protect the environment. That is what he should do.

Ottawa shelled out the equivalent of \$66 billion between 1970 and 1999 to support hydrocarbons and oil companies, but spent a mere \$329 million on renewable energies and nothing on Hydro Québec.

Is this not the same policy the Conservatives are still clinging to today at the expense of the environment and Quebec?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, the Bloc should set aside its partisanship and support the government in our efforts to protect the environment.

[English]

In particular, the clean energy dialogue that the Prime Minister and the president have struck provides the way forward. It holds remarkable promise in North America with respect to the responsible utilization of energy resources, the consumption of resources, clean energy research and the effective use of water.

\* \* \*

[Translation]

**NUCLEAR ENERGY**

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, since coming to power, the Conservatives have tripled the amount of funding that goes to Atomic Energy of Canada. In just two years, they have squandered \$1.2 billion on nuclear energy alone, while the entire forestry sector will receive only \$170 million for the next two years.

Can the Minister of Natural Resources deny that the reason for giving so much money to the nuclear sector is to help Ontario and the oil companies in the west, once again to the detriment of the environment and of Quebec?

[English]

**Hon. Lisa Raitt (Minister of Natural Resources, CPC):** Mr. Speaker, what the hon. member said is obviously incorrect if we take a look at the track record that this government has on clean energy.

May I point out that on renewable energy alone, this government has dedicated and committed \$3.7 billion to research, development and deployment of renewable energy. I fail to see how that is not significant. I fail to see how that is not something that is very important for Canada. It shows that we are leaders.

[Translation]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, money put into hydrocarbons and nuclear energy should instead be invested in the development of renewable energy sources, such as cellulose ethanol production, which would be beneficial not only for the environment, but also for the forestry industry.

How many devastating reports do we need to see before this government will finally decide to act?

• (1440)

[English]

**Hon. Lisa Raitt (Minister of Natural Resources, CPC):** Once again, Mr. Speaker, I think it is important to point out that this government actually did act. It acted in 2007, 2008, and again this year with a \$1 billion clean energy fund.

Let me help the hon. members with what the content of the ecoenergy renewable program is, which is incentives for the production of power from emerging renewable energy sources such as wind, biomass, hydro, geothermal, solar photovoltaic and ocean energy.

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**AUTOMOTIVE INDUSTRY**

**Mr. Francis Valeriote (Guelph, Lib.):** Mr. Speaker, the parliamentary study of the auto industry has revealed the inadequacy of the government's response to the crisis that is crippling Canada's auto industry.

Access to credit for consumers is a critical issue. The government could be providing eligible consumers with access to credit through the secured credit facility that was announced in December, more than three months ago, and repeated in the budget more than six weeks ago. Still it has not turned a wheel. Why not? Why the delay?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, let me thank the ex-critic on autos for his question, and I would like to tell this House that we are ready to go. Now that the Liberal-dominated Senate has passed our budget bill, we can get moving on this issue. It is a part of our economic action plan.

We have already communicated with the public on how to proceed with this credit facility because we want to get credit out to consumers and to businesses to make sure that our businesses can grow and our consumers can continue to be part of our economy.

**Mr. Francis Valeriote (Guelph, Lib.):** Mr. Speaker, it is not dependent upon the budget passing, and the member knows it.

*Oral Questions*

I invite the minister to read his own report. Page 127 is clear evidence that the secured credit could have been deployed over three months ago when announced, when needed, and without a vote, and still the wheels have not turned.

Chrysler has threatened to go bankrupt or leave the country because car sales are evaporating. Conservatives are not getting the job done.

Why did the minister fail to get the wheels in motion when it was needed the most?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, in fact the announcement of a secured credit facility was part of the budget package, as the hon. member knows well.

As far as we are concerned, this is an important part of expanding the ability of consumers to get credit and of small business to get credit. We are moving as smartly as we can, but the hon. member and his party have held things up for several weeks. I thank them now for moving forward for the benefit of Canadians.

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**JUSTICE**

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, I want to tell the Minister of Justice that the gang killings in British Columbia continue.

The Attorney General of British Columbia and the Solicitor General of British Columbia came to Ottawa two weeks ago. They talked to the government. They talked to the opposition. They wanted two amendments, one on the two-for-one remand credit and the other on modernizing investigative techniques. The Liberal Party of Canada agreed with those amendments.

I want to know the position of the government on B.C.'s request for amending the Criminal Code so that gang problems can be dealt with more satisfactorily in British Columbia.

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I would invite the hon. member to have a look at the bill that is now presently before Parliament, which addresses gang murders, drive-by shootings and offences against police officers. The bill that goes with it is on a crackdown on drugs.

For the Liberal Party this is a sometime thing. It is something that it comes to every couple of weeks or every couple of years. I am proud to be a part of a party that knows the fight against crime has to go on 365 days of the year. That is what Canadians want. That is what Canadians deserve.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, what Canadians deserve in Canada is clear answers from the minister who is responsible for this file.

The fact is that he appeared before the justice committee on Monday last, and he actually refused to say whether or not he supports British Columbia's requests.

I want to know why he does not support British Columbia's requests. British Columbians actually want to know why he would not tell us what his position is on this issue.

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I will tell members what the people in British Columbia want. They want the same things as all Canadians. They want to see action on gangs, reckless shootings, gangland murders, protection for police officers and a crackdown on drugs. That is what everybody wants.

I can tell members what I told the committee and I am glad to tell all Canadians. When it comes to standing up for law-abiding Canadians and victims in this country, there is only one party that can be counted on, and that is the Conservative Party of Canada.

\* \* \*

• (1445)

**SEARCH AND RESCUE**

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Mr. Speaker, we learned today of a tragic accident off the coast of Newfoundland and Labrador. A helicopter carrying 18 people ditched into the ocean. We know search and rescue personnel are on site, but conditions are difficult because of rolling seas.

Could the parliamentary secretary provide the House with an update on the rescue operations?

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, this was a tragic accident and our thoughts go out to those in peril on the sea and to their families.

There is an ongoing search and rescue operation involving four Cormorant helicopters, two Hercules and one Aurora aircraft from the Canadian Forces, and a Coast Guard vessel. There are also civilian aircraft on site as well.

There are high winds and the seas are rough. At this point, one person has been picked up, and the search continues for others. Canada has brought a very significant search and rescue capability to bear on to the scene today, and every effort is being made to search for survivors.

\* \* \*

**THE ENVIRONMENT**

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, by stripping the Navigable Waters Act, the Conservatives will promote industrial development on our lakes and rivers but without any environmental assessments whatsoever. While the minister believes such safeguards are "red tape", hunters, anglers and boaters see them as critical in protecting our great outdoors from pollution and dangerous development.

Conservationists and recreation users across Canada are furious, and rightly so. Why does the minister feel that he can be judge, jury and executioner for Canada's waterways? Why is he fast-tracking the destruction of Canada's great outdoors?

*Oral Questions*

**Hon. Rob Merrifield (Minister of State (Transport), CPC):** Mr. Speaker, nothing further from the truth could possibly be said out of that individual's mouth. The reality is that we have a bill that has been on the books since the early 1900s unamended. Even that member knows the difference between water running down a river and water running down a ditch and the different regulations that would take place to make that happen.

The House understands it. We need to get infrastructure out in order to get Canadians working. This is a critical time when we need our infrastructure working and Canadians working with their money. We want that to take place as soon as possible, which why this piece of legislation needs to be changed.

[*Translation*]

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, the changes made to the Navigable Waters Protection Act are unacceptable.

The Conservatives want to prevent people who hunt and fish from freely accessing Canada's natural resources. That is an acquired right that dates back to Confederation. The NDP proposed an amendment to remove that measure from Bill C-10. Unfortunately, the Liberals agree with the Conservatives on this issue.

Why should people who hunt and fish be deprived of those activities, which are already carefully monitored and regulated?

[*English*]

**Hon. Rob Merrifield (Minister of State (Transport), CPC):** Mr. Speaker, we are not compromising the environment in any way. We are getting infrastructure dollars working for Canadians and Canadians working right now.

It is unfortunate that that individual and his party, as well as the Bloc Québécois, have done everything they possibly could to obstruct this piece of legislation all the way through.

What all members need to understand is that we will do everything we need to do to deal with this at a critical time in the history of Canada and the world to get this money working for Canadians.

\* \* \*

[*Translation*]

**JUSTICE**

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, the Minister of Justice told us that he was giving thought to the approach government lawyers should take in the case against Groupe Polygone, a key player in the sponsorship scandal. But while the minister is thinking, his lawyers are, through their silence, endorsing the extraordinary procedure the Groupe Polygone lawyers used to have journalist Daniel Leblanc subpoenaed to reveal his source.

My question is simple: does the minister approve of this manoeuvre?

[*English*]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, we have no intention of conducting litigation here on the floor of the House of Commons. If that member would go back to his constituents, he would find that

they have some serious concerns about violent crime in this country. He would be better off spending his time worrying about the safety of his constituents here and leave the litigation to the lawyers.

• (1450)

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, freedom of the press is recognized in the Charter. In the civilized countries that we like to compare ourselves to, freedom of the press includes protecting a journalist's confidential sources.

How can the Attorney General, the guardian of the Charter—and does the Minister of Justice want to live up to this title?—how can the Attorney General allow his lawyers to remain silent and indifferent in the face of an extraordinary procedure that would force Daniel Leblanc to reveal enough information that his source could be identified?

[*English*]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the comments by the hon. member are ridiculous. Again, we will not be conducting litigation here on the floor of the House of Commons. However, again I invite this member, and this would be something new for his political party, to start worrying about victims and law-abiding Canadians and get behind the agenda that this Conservative government has presented to Parliament.

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**FISHERIES AND OCEANS**

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, the Minister of Fisheries and Oceans says that the decisions of the independent fisheries licence appeal board should be final and that no further appeals should be warranted. However, she is also prepared to hand out commercial fishing licences this very spring in violation of the findings of that very same board. Tim Rhyno, for example, received a million-dollar crab licence from the Conservatives right before the last election campaign despite being rejected at all three levels of appeal.

The former minister made a decision. Now the present minister has a choice to make. Will she suspend Mr. Rhyno's licence and uphold the principles of her own proposed fisheries act or will she suspend her own fisheries act and approve the licence? What will it be?

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, on any application, extenuating circumstances must be taken into account. Licensing decisions are confidential matters.

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, that is very funny because in the proposed act the minister says that there should be no avenue for appeal. She was absolutely adamant about that, as was the previous minister.

The people who are being hurt here are the 28,000 commercial fishermen and plant workers in Atlantic Canada who now have a minister who is prepared to sacrifice conservation and proper stewardship of the resource for the sake of a political gift before the last election campaign.

*Oral Questions*

The industry is facing unparalleled crises in terms of access to capital and access to resources, but as well, reduced markets. Will there be a full inquiry about this particular move, yes or no?

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, as the hon. member knows, the current legislation does give the minister absolute discretion in issuing those licences. I am confident that my predecessor made a good decision of sound judgment.

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**MUNICIPALITIES**

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, this is incredible. Earlier this week, while being interviewed on television, the Minister of Finance said that any misspent funds from the \$3 billion slush fund would be clawed back from the municipalities through reductions to the gas tax transfer.

How can the minister say that they will correct the government's mistakes by punishing municipalities?

**Hon. Vic Toews (President of the Treasury Board, CPC):** Mr. Speaker, we are taking unprecedented action in terms of helping municipalities with their infrastructure needs. Those municipalities cannot simply spend that money on anything they want. There are clear criteria and, as in any contract, if the terms and conditions of a contract are broken, the people of Canada need to have recourse to ensure the money has been properly spent.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, bluster will not cover up this typical Conservative thinking. First the government sets up a fund for backroom deals, then it says that the way it will account for the spending is to place all the responsibilities on Canada's communities. This is not the kind of leadership and accountability that Canadians want.

How can the minister stand and admit to such an underhanded tactic?

**Hon. Vic Toews (President of the Treasury Board, CPC):** Mr. Speaker, that question made absolutely no sense. That member says that there is no accountability and now, when we are bringing out the terms of accountability so that people spend taxpayer money in accordance with the rules and regulations, he says that it should not be done.

Will the member make up his mind? He certainly does not have his questions straight. He does not have his facts straight. Why does he not simply support the budget, get behind these infrastructure programs and help the people of Canada?

\* \* \*

●(1455)

**INTERNATIONAL TRADE**

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Speaker, Canada's Border Services Agency recently determined that foreign companies were dumping aluminum products into the Canadian market and imposing a 43% penalty on these products.

Would the Minister of International Trade tell the House how this action will preserve Canada's rules based trading relationship with our international partners?

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, I thank the member for Kelowna—Lake Country for his ongoing concern about Canadian manufacturing and jobs, especially in his constituency.

If there is a situation where it is determined that imports from another country have been dumped into Canada at a cost that is below their production, or if they are subsidized, then, following our rules based system, we are able to assess a countervail or a duty for that. That has been done in this case with certain Chinese aluminum extrusion products.

The Chinese officials are certainly welcome to use the dispute settlement that is there to contest it. I look forward to talking about this with my counterpart in China when I am there in April.

\* \* \*

**NARCOTIC DRUG CONTROL**

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, this week, the 52nd session of the committee on narcotic drugs convenes in Vienna. It must deal with the recent world drug report, which stated:

Urgent steps must be taken to prevent the unravelling of progress that has been made in the past few decades of drug control.

Will the minister reassure this House that Canada will not be embarrassed, and bring back a drug policy that is evidence based and in step with our international partners who support the four pillars of prevention, treatment, enforcement and harm reduction?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I can tell members that our approach is a complete, comprehensive approach. I would refer the hon. member to the national anti-drug strategy and all the different initiatives this government has taken to assist individuals who have become addicted.

At the same time, we are sending out a very clear message to those individuals who think it is a good idea to get into the grow-op business or who want to get into the import or export of illegal drugs into this country. The message is that they will go to jail.

\* \* \*

[*Translation*]

**AGRICULTURE AND AGRI-FOOD**

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, Quebec beef producers have received no federal assistance since acquiring the Levinoff-Colbex slaughterhouse. They recently demonstrated their commitment by injecting another \$30 million. The Conservatives' election promises and budget announcements have come to naught. Worse still, the Parliamentary Secretary to the Minister of Agriculture stated that the government might provide assistance in the form of repayable loans, but that is not what producers as looking for, as they told us in committee this morning.

Can the minister confirm that Levinoff-Colbex qualifies for the program to strengthen slaughterhouse capacity, and that assistance will be provided in the form of direct funding?

*Oral Questions*

**Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC):** Mr. Speaker, I would like to point out that the budget allocated \$50 million to support slaughterhouses and that the regulations are now being drafted. The member must not lose faith.

However, with respect to loan guarantees and subsidies, let me be very clear. There will be no subsidies. These are loans. We are trying to help by taking sensible action, and I believe we are in talks with Levinoff-Colbex, and things are looking good.

\* \* \*

[English]

**CITIZENSHIP AND IMMIGRATION**

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, vulnerable migrants are being ripped off because the immigration system is dysfunctional.

In a pathetic attempt to address the problem, the Minister Immigration had to launch a PR campaign to combat fraud, but it does not address the real problem of unregulated immigration consultants. The minister is ignoring crimes committed by fake consultants who take advantage of innocent people wanting to make Canada their new home.

When will the government implement the immigration committee's comprehensive recommendations to control immigration consultants?

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, while I appreciate the member's concern about this issue, it is an issue that, of course, the NDP will never be able to do anything about because it is a party of permanent opposition.

Having said that, I have taken into serious consideration the committee's recommendations.

When I was in India recently, I raised this matter of people being exploited by unscrupulous consultants and document vendors in parts of India and I got a commitment from the first minister of Punjab to dedicate a specific police task force to crack down on this kind of exploitation.

We intend to take further action here in Canada to improve the regulation of immigration consultants to protect newcomers to this country.

\* \* \*

● (1500)

**PARALYMPIC GAMES**

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Speaker, today marks the one year countdown to the Canada's Paralympic Games.

Our venues are built on time and on budget. Our athletes are ready and are gearing up for the games. They are winning medals on the world stage and are making Canada proud.

Would the Minister of State for Sport update the House on how Canada is ready to host the world at our Paralympic Games.

**Hon. Gary Lunn (Minister of State (Sport), CPC):** Mr. Speaker, in exactly one year from now, the Olympic torch will enter BC Place Stadium and the cauldron will be lit in front of 55,000 people.

Our Paralympic athletes are absolutely doing amazingly. I watched our sledge hockey team a few weeks ago with Hervé Lord, who is here, go on and win the gold medal.

Ina Forrest and her team won the gold medal for wheelchair curling.

This afternoon, in Whistler, Lauren Wolstoncroft from North Vancouver and Viviane Forest from Edmonton—

**The Speaker:** The hon. member for Cumberland—Colchester—Musquodoboit Valley.

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**INFRASTRUCTURE**

**Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, Ind.):** Mr. Speaker, in my prebudget submission to the Minister of Finance, I highlighted the Colchester Civic Centre as a priority by the province and the municipality as an infrastructure project that is shovel-ready. In fact, the province has already committed \$10 million to the project, the municipality \$11 million and the community \$4 million.

Both the mayors of Truro and the municipality of Colchester wrote to the minister in December asking for federal participation.

I wonder if the minister could indicate when a positive answer might be forthcoming?

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, I want to thank the hon. member for actually responding to the request that the finance minister put out in late November, early December, asking for all parliamentarians to put forward ideas. That hon. member put forward a good idea. However, I do not make those decisions so I passed it on.

We need to know that the Liberal Party of Canada put forward no suggestions in our prebudget consultation, nor did members of the NDP. In fact, they voted against any one that was put forward.

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**PRESENCE IN GALLERY**

**The Speaker:** As part of marking the celebration of the one year countdown to our 2010 Paralympic Winter Games, I would like to draw to the attention of hon. members the presence in the ladies gallery of four individuals: Sir Philip Craven, President of the International Paralympic Committee; Carla Qualtrough, President of the Canadian Paralympic Committee; Ina Forrest, a gold medalist in wheelchair curling; and Hervé Lord, hockeyeur sur luge médaillé d'or.

**Some hon. members:** Hear, hear!

**BUSINESS OF THE HOUSE**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, I have the usual Thursday question about House procedure for the next couple of weeks. We all know that next week is scheduled to be a week to work in constituencies.

Therefore, I would like to ask the government House leader specifically what he has in mind for tomorrow and then the week following the constituency work week. Specifically in that week, which day will he officially designate as the final allotted day in this supply period? That would be the day not just to deal with an opposition motion, but also the supplementary estimates and the appropriations act, dealing with interim supply. It is very important for the House to know in advance which day that will be.

Second, I would ask the hon. gentleman, again, if there would be a mood in the House, apropos some of the subjects dealt with in question period, to move expeditiously on Bills C-14 and C-15. It was over a week ago that the official opposition offered co-operation to expedite those two pieces of legislation dealing with gangs and drugs. We renew that offer today in order to move those items forward quickly.

Finally, with respect to Bill C-10, which is in the other place, as we understand the developments as of today, it is possible that the other place will today finish its deliberations with respect to the bill, at the initiative of the Leader of the Opposition. I would ask the government House leader if he could indicate when there will be royal assent arranged for Bill C-10. Would he expect that to happen tonight or tomorrow?

• (1505)

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the hon. House leader for the official opposition has many questions for the Thursday question and I will try to get to all of them.

Today we will continue debate on Bill C-14 on organized crime, which he mentioned. Following Bill C-14, we will consider Bill C-15, drug offences, and Bill C-16, the environmental enforcement act in that order.

Tonight we will complete the debate on the first report of the Standing Committee on the Status of Women.

Tomorrow we will begin debate at third reading of Bill C-2, the Canada-European free trade agreement and continue with any unfinished business that carried over from today.

When the House returns from the constituency week, we will continue with the business from this week, with the addition of Bill C-9, transportation of dangerous goods, which was reported back from committee.

You can add to the list for the week we return, Mr. Speaker, Bill C-7, marine liability, Bill S-3, energy efficiency, and Bill C-13, Canada grains, which are all at second reading and any bills that have been reported back from committee by then.

As to one of the questions that the member specifically mentioned, the last day in this supply period shall be on Tuesday, March 24, when the House will vote on supplementary estimates C, interim supply and the interim supply bill. As he noted, it is a very important

*Points of Order*

day as these are the resources necessary to provide the stimulus to which we have all been looking forward and which Canadians are greatly anticipating.

Hopefully, the Senate will have passed the budget bill, Bill C-10 by then. In fact, as my colleague mentioned, my understanding is the opposition has suddenly discovered the parts of the budget bill that pertain specifically to the extension of employment insurance benefits, which will come into effect immediately upon royal assent of Bill C-10, the budget implementation act. Therefore, rather belatedly, the Liberal senators have decided to work with the Conservative senators in the other place and get the bill passed expeditiously. I hope that takes place this afternoon. It would be therefore my hope as well that royal assent could take place as early as this evening and we would see that bill enacted as quickly as possible.

As to the reiteration of my colleague's support for Bill C-14 and Bill C-15, our two latest justice bills, I welcome his support and I appreciate that. We are open to moving these bills through all stages as quickly as possible. Failing that, we would look to put up a minimum number of speakers, as we have done on many pieces of legislation already in this session, to move legislation through as quickly as possible. The problem, as my hon. colleague well knows, is not with the official opposition on or of the Conservative Party, the Conservative government, but with the other two parties, which are unwilling to do so.

\* \* \*

• (1510)

**POINTS OF ORDER**

## STATEMENTS BY MEMBERS

**Mr. Tim Uppal (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I rise on a point of order with regard to the issue of statements by members, also known as S.O. 31. As you will be aware, both myself and the member for Beauport—Limoulo were cut off during our one minute statements by the Chair.

I am aware of a ruling you made earlier today, Mr. Speaker, with regard to decorum in this chamber, and I agree that ensuring the decorum of the House is extremely important. However, I draw your attention to the debate of May 31, 2006, when the former Liberal member for Thunder Bay—Rainy River, Ken Boshcoff, rose and virulently attacked the current Prime Minister during statements by members.

The former Liberal member for Brant, Lloyd St. Amand, also attacked the government and former staff members of the Prime Minister's office in statements by members on June 7, 2006, which you could find in *Hansard*.

Members of the Liberal Party continued these attacks throughout statements by members that day and on subsequent days, which I am sure you could review in *Hansard*.

There are numerous other examples from the Liberal Party over the past months and years, attacking members on this side of the House, members of their staff, and many others to which you did not intervene or rule were out of order.

*Points of Order*

I am only asking that the rules be applied equally to all members.

I believe if you review the blues from today's statements by members, Mr. Speaker, specifically my intervention and the intervention by the member for Beauport—Limoilou, you will find only quotations from past members' statements published in the public domain, such as yesterday's *Edmonton Journal*, which quotes the leader of the official opposition. Even taking into account the ruling made by yourself earlier today, I do not believe that my statement or that of the member for Beauport—Limoilou, come close to the line of what you set out earlier today.

Expressing opinions on quotations from the national media is what we do in the House every day and constitutes robust debate. We may not like to be reminded of what we have said in the past, but Canadians who elected us to sit in the House have every right to hear our statements and opinions on the issues of the day.

If we cannot quote each other in this chamber, if we cannot express our opinions, then what is this chamber for?

In conclusion, Mr. Speaker, I would ask that you take the time to review the blues and come back to the House with perhaps more clarification for members on what can or cannot be said, since I do not believe that my statement or that of my colleague have gone beyond the standard you set out this morning.

**The Speaker:** I thank the hon. member for Edmonton—Sherwood Park for his remarks.

I gave a ruling this morning because, in my view, the tone was so consistently negative in Standing Order 31 statements that I felt it was appropriate to change the way it is happening in the House, because there are so many of these statements. That is why I made the ruling I made this morning.

It is fine to quote other members, but then there were additional comments suggesting that the member was unfit to lead or unfit to do something because he had made these statements before, which, in my view, are personal attacks. Those are things that are prohibited under our rules.

I read once again the citation I read this morning in my ruling, *House of Commons Procedure and Practice* at page 364:

The Speaker has cut off an individual statement and asked the Member to resume his or her seat when

- offensive language has been used;
- a Senator has been attacked;
- the actions of the Senate have been criticized;
- a ruling of a court has been denounced; and
- the character of a judge has been attacked.

The Speaker has also cautioned Members not to use this period to make defamatory comments about non-Members, nor to use the verbatim remarks of a private citizen as a statement, nor to make statements of a commercial nature.

In my view, if we keep doing personal attacks on members in the House, then we will have them go on in almost every Standing Order 31 statement, and in my view, I will not be able to maintain order in this chamber, which is my job.

I think it is time to have a shift in these statements, which I hope will happen as a result of this morning's ruling. I urge hon. members to have a look at the ruling and the wording in Marleau and

Montpetit and amend their statements accordingly to avoid attacks on one another in the course of their debates in this chamber, particularly in S.O. 31s, because there is no reply.

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, on the same point of order, I think it is important for the integrity of your chair to be seen as applying the rules equally, right across the board. It is very important that people in this chamber conduct themselves in a way that make their constituents proud. At the same time, it is also important that members have the right to criticize the ideas of other members.

Part of a democracy is promoting ideas. The other part of a democracy is pointing out the flaws in some of those ideas. In fact, we have an entire section in the Standing Orders dedicated to question period, in which opposition members are rightly encouraged and perform their duty admirably to point out flaws in any government during any era. That is the right of members of the opposition to do that. We invite that sort of accountability.

At the same time, members of the Liberal Party, the Bloc Québécois and the New Democrats have to be prepared, when they come into this chamber, that some of their ideas will be criticized as well. I do not think any of them would want you, Mr. Speaker, to build an umbrella protection over them to shield them from any criticism. Hopefully the leader of the Liberal Party is not so fragile that he would require such an umbrella to be built.

As such, Mr. Speaker, I would ask you to show the kind of respect to the Leader of the Opposition that he believes he is entitled to receive and allow him to defend himself rather than to step in and act as his protector during member's statements earlier on.

As such, Mr. Speaker, I would encourage you also to have respect for the voters who put us here in the first place. They, after all, have the ability, in an unvarnished manner, to watch the statements we make and judge us accordingly at election time.

What is key in our democracy is that the people are sovereign. When they listen to the statements, the people have the right to judge whether they agree with the way in which we comport ourselves and the content of our utterances.

It is not your role, with respect, Sir, to block the people from making that decision and to decide for them. I would encourage you to show due respect for the people in allowing them to make judgments upon us and our words, rather than making that judgment for them.

● (1515)

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, first I want to congratulate you on your ruling. I do not want to be difficult, but this is nothing new. You sent the parties a letter last week warning them of your intention to ensure that decorum was maintained in the House, especially in regard to members' statements.



*Points of Order*

The Conservative Party was the first to be affected. So what? Next time, it will be someone else. We should feel responsible for conducting ourselves properly in the House of Commons and showing respect for one another as individuals. We can have different ideas and policies, but when we start to attack each other personally, it is your job to stop it, Mr. Speaker, and I can only congratulate you on that. I even think not enough is being done.

I am disappointed to see the Conservative Party trying to defend the idea that we should be able to come to the House of Commons and personally insult one another. We can fight over policies and ideas but should not attack one another personally. Members who do so should be prepared to pay the price. It is your job, Mr. Speaker, to assume this responsibility and conduct the House of Commons in a proper way. We receive letters from schools—from students and teachers—saying they do not want to bring anyone to the House of Commons any more because of all the disrespect shown there.

Once again, Mr. Speaker, you are not going far enough. It is your duty to ensure reasonable decorum in the House, but it is also the responsibility of the various parties. We are not better than other people. It is the responsibility of all of us members to ensure that the House of Commons, where we represent the people of Canada, remains a respectable place.

Once again, Mr. Speaker, thank you for your ruling.

[*English*]

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I have listened to the two government members make their remarks. In one way, they confirm—they did not deny—that the Speaker has made a ruling that confirms the rules and precedent governing our debate in the House, including members' statements, that we do not make personal attacks. That should be an open and shut case. The Speaker has ruled on it.

More serious than that, let me read rule 10, which I will abridge slightly, which states:

The Speaker shall preserve order and decorum, and shall decide questions of order...No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal in the House.

I would point out to members on both sides of the House, but particularly to members opposite, that the Speaker has ruled on a point of order, and I, as one member among many, cannot sit by and allow the Speaker to be challenged, as I think he was being challenged, by both members opposite. It is simply out of order and unacceptable.

The ruling has been made, and I think by far the majority of the House will accept that.

• (1520)

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I want to add my voice and that of the Bloc caucus to what was just said and what was said by the NDP whip.

You made a ruling this morning. Rulings are obviously always open to interpretation and have to be adapted to the realities of the debates in the House. However, you made your ruling, we accepted it, and I cannot understand why the member opposite is challenging

it. In any case, the rules are clear and your rulings cannot be appealed.

I assure you that we in the Bloc Québécois intend to abide by the guidelines you indicated in your ruling this morning.

[*English*]

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, on the most recent intervention, I would respectfully point out to my hon. colleague, the House leader for the Bloc Québécois, that yesterday you made a ruling as well—

**Mr. Pierre Paquette:** It was this morning.

**Hon. Jay Hill:** I lose track of time.

Mr. Speaker, this morning you made a ruling as well, and his colleague, the whip for the Bloc Québécois, got up and did not challenge you—he was very careful about that—but he was seeking further clarification, as I recall. I was in the chamber at the time.

So I would just remind my hon. colleague of that, as well as my colleague from the Liberal Party who just spoke.

We are not challenging your ruling. I did not hear that from either of my colleagues. What we were doing was asking for two things.

First, we were asking that you consider looking at the past examples from all parties to make sure that in enforcing your ruling there is consistency. That is all we were asking, on one hand.

Second, I heard my colleague from Edmonton—Sherwood Park, at the close of his remarks, asking, if possible, that you might consider further clarification of where the line would be drawn in your consideration of what would be a personal attack and what would not.

I think all of us, especially those like you and me, Mr. Speaker, who have been in this chamber for a lot of years now, would have drawn the conclusion after all these years that what would be considered an insult by one member could very easily be considered a reiteration of fact by another member. Oftentimes during heated debates in this place, whether it is during statements or question period or even during normal debate, we get into a lot of argument or potential argument about that.

All I am asking on behalf of the government is that you ensure in applying the rules, as I am sure you always do, that there is consistency, that you review what is being done by all parties and that those rulings are applied in a consistent manner, in a manner that is fair from the chair and fair to all 308 members of Parliament.

**The Speaker:** I think I have heard enough on this point at the moment. My ruling this morning in fact dealt with two issues, one arising out of question period, primarily, but also a Standing Order 31 statement.

I turn to page 363 of Marleau and Montpetit, and I will read another section. This is referring to statements by members.

In presiding over the conduct of this daily activity, Speakers have been guided by a number of well-defined prohibitions. In 1983, when the procedure for “Statements by Members” was first put in place, Speaker Sauvé stated that Members may speak on any matter of concern and not necessarily on urgent matters only; Personal attacks are not permitted; Congratulatory messages, recitations of poetry and frivolous matters are out of order.

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The comment goes on to say,

These guidelines are still in place today, although Speakers tend to turn a blind eye to the latter restriction.

I suppose that has happened. Unfortunately it appears I may have turned a blind eye to some of the other restrictions, and my ruling this morning was intended to indicate that is not to be the practice.

It represents a shift, and I have made the shift because of complaints from all sides of the House about the lack of decorum, particularly in that part.

I stress that the rules that apply to Standing Order 31 statements may not apply in debate, where members can quote other members and have a debate. In debate, there is reply; there is exchange.

Standing Order 31 is not intended as a debate. It is intended as a group of statements by members about various matters they regard as important, and in my view, that is a separate time from normal debate.

As regards what members say in debate, I believe there is what we call “freedom of expression” in this House. The restrictions, in my view, are less strict. Sometimes there are attacks during debate because members are hammering away at each other on their views on different things, but members get to reply. They can have a debate and discussion and disagree on their views and make those disagreements manifest. That is fine.

However, when we are in Standing Order 31 statements, using the statement as an attack on another is inappropriate. It is happening too often, on all sides. That is why I am concerned. That is why I made the ruling I made this morning. That is why I cut off hon. members today when they were making statements that, in my view, breached that guideline.

I urge hon. members to take a look at Standing Order 31 statements as a different time from normal debate and go back to the roots of what was intended in the statement made in 1983 when the practice was instituted in this House. If not, in my view, we are going to get in a situation where all the statements become attacks on one another and it is going to turn into a particularly unpleasant experience for all hon. members, and I do not believe that is the way it should be. That is the reason for my ruling.

• (1525)

**Mr. Pierre Poilievre:** Mr. Speaker, just to conclude, first of all, we want to make clear that the discussion in the aftermath of your ruling is in no way to take away from the respect we have for you and your office, and we thank you for the function you perform.

We know your role is a difficult one, particularly in our system where the Speaker is at once the presiding officer of the chamber and also the member of a political party. As such, the Speaker comes under pressure from a political party to make decisions that may favour the outcome of that political party. I am thankful you have resisted that sort of pressure in the past, and we are looking at this decision to examine whether you have succeeded in doing so in the present.

We understand there are members of the opposition who would want to silence any criticism of themselves, but we would invite them into the world of democracy where all of us are subject to

criticism in the House. So when members across the way rise to shield themselves, we ask that you remind them of that same democratic principle.

**The Speaker:** The hon. members can be sure that the intention of the chair is to apply the rule that I believe is in the practice of the House equitably on all sides. So if other hon. members are going to indulge in those kinds of attacks in S.O. 31 statements, I do not care which party they come from, the fact is I am urging them not to do so, and if they persist, they are going to get cut off.

The hon. chief opposition whip also has a point of order.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Mr. Speaker, on behalf of our party and caucus, we believe the Speaker is a great Canadian.

**The Speaker:** I am afraid that was not a point of order.

The hon. member for Yukon has a point of order.

#### ORAL QUESTIONS

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, on a point of order, during question period the Parliamentary Secretary to the Minister of Finance suggested that no Liberals had given input on the budget at the request of the finance minister. I would not raise this except it has been said a number of times before.

I would like to inform the parliamentary secretary that I gave very substantial, comprehensive input to the minister on the budget. So I would like to ask for an apology. He could either give it in the House or in writing. I do not want to make a big deal of it, but I did due diligence for my constituents and put in a lot of suggestions.

**The Speaker:** I am sure the hon. member for Yukon knows it is really a point of debate, not a point of order, but he has made his point.

\* \* \*

#### MESSAGE FROM THE SENATE

**The Speaker:** I have the honour to inform the House that a message has been received from the Senate, informing this House that the Senate has passed the following public bill to which the concurrence of this House has desired:

Bill S-3, An Act to amend the Energy Efficiency Act.

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## GOVERNMENT ORDERS

• (1530)

[*English*]

#### CRIMINAL CODE

The House resumed consideration of the motion that Bill C-14, An Act to amend the Criminal Code (organized crime and protection of justice system participants), be read the second time and referred to a committee.

**The Speaker:** When this matter was last before the House, the hon. Minister of Justice had the floor. He has 18 minutes left in the allotted time remaining for his remarks. I therefore call upon the hon. Minister of Justice and Attorney General of Canada.

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, if I took all 18 minutes, I am still not sure it would be enough. I get so excited when I talk about this subject.

Before the break I was talking about how difficult the challenges are when gangs get into fights with each other and the resulting human loss. The impact goes beyond the criminal subculture. In recent years there have been too many incidents where innocent Canadians have been killed as a result of gang activity. We have come to know their stories very well. For the most part, these victims lived and worked in our major cities, in Vancouver, Calgary, Winnipeg, Toronto and Montreal. These tragedies remind us that the threats we face are very real.

During my visit to Vancouver a couple of weeks ago, I met with law enforcement agencies. They were very supportive of this organized crime legislation, as well as its companion piece, Bill C-15, the mandatory minimum prison sentences for drug offences. However, the officials did ask me to continue to do more. I have heard their requests. As a response, I have indicated to them that once we get these pieces of legislation passed, we have more. Indeed, today I introduced amendments to the Anti-terrorism Act to give law enforcement agencies the tools they have demanded over the years to combat terrorism in this country.

We must remain vigilant to ensure our citizens are protected from the full range of activities engaged in by organized crime. We take these threats seriously and view ensuring the safety and security of our people as one of the highest responsibilities of our government. Canadians are rightly concerned and they want action. In a 2007 survey on this issue, Canadians indicated that they believed organized crime is as serious a threat to Canada as terrorism. Nearly half of those surveyed indicated that they felt they were personally affected by organized crime. Approximately 89% of those surveyed know that organized crime is linked to drug trafficking. Just over half indicated that the new legislation was required to more effectively address organized crime.

Canadians are also voicing their concerns with their actions and their pens. Very recently, concerned citizens in British Columbia came together to publicly express their outrage with the gang violence that is impacting their lives. In short, they said that enough is enough. So, too, have the residents of the Hobbema reserve in Alberta. I have received letters from concerned residents there urging me and our government to take decisive action to address the threats that gangs are posing to their communities.

This government agrees that enough is enough and believes it is time to strengthen the criminal justice system so that offenders are properly held to account. Broadly speaking, this bill focuses on four areas: making gang murders automatically first degree; creating a new offence to target drive-by and other reckless shootings; fortifying the scheme for responding to assaults against police and other peace and public officers; and strengthening the gang peace bond provisions.

Taken together, these improvements to our criminal law will provide powerful new tools for law enforcement to respond to the destructive impacts that organized crime has on our communities. How will they do this? With respect to murders that can be linked to

### *Government Orders*

organized crime, we are proposing amendments that would automatically treat these cases as first degree murder regardless of whether they were planned and deliberate. These are, in my opinion, extremely important amendments.

I have already spoken of some of the innocent victims of gang violence, but I also want to provide some additional context on the seriousness of the issue. According to the Canadian Centre for Justice Statistics, in 2007 there were 117 gang-related homicides in Canada. In fact, gang-related homicides now account for approximately 20% of all murders in Canada. In British Columbia, I was told that that number is approximately 40%. This is to be contrasted with the fact that, for the most part, the homicide rate is decreasing in Canada. This troubling trend of gang-related homicides demands immediate attention.

• (1535)

Our proposed amendments provide two separate tests to address murders that are connected to organized crime.

First, if it can be established that the murder itself was committed for the benefit of, at the direction of, or in association with a criminal organization, then it will be classified as first degree murder even in the absence of planning or deliberation.

Second, if it can be established that the murder occurred while the person was committing or attempting to commit another indictable offence for the benefit of, or at the direction of, or in association with a criminal organization, then it will be classified as first degree murder. The person would have to be guilty of murder, of course, in the circumstances. I want to emphasize we are not talking about some form of constructive murder or raising manslaughter to murder in these circumstances. Rather, the effect of the provision would be to make any murder committed in the course of another criminal organization offence first degree rather than second degree.

A person found guilty of first degree murder is sentenced to a mandatory term of life imprisonment without eligibility for parole for 25 years.

These amendments to section 231 of our Criminal Code mean that police officers and prosecutors have another set of tools to treat gang murders as the extremely serious cases that they are.

We also are proposing that a new offence be added to the Criminal Code which would target drive-by and other intentional shootings involving reckless disregard for the life or safety of others.

I believe this new offence will be of immense benefit to those on the front line investigating and prosecuting many of these public shooting cases.

### *Government Orders*

Currently offences available to prosecute these kinds of cases include careless use of a firearm or discharge of a firearm with intent to cause bodily harm. The negligence based offences do not appropriately capture the severity of a drive-by scenario which involves consciously reckless conduct.

Section 244 on the other hand requires proof that the firearm was discharged at a particular person with a specific intent to cause bodily harm, and this is not good enough. While more appropriate if the shooter does have a particular target, it can sometimes be difficult to prove a drive-by shooting scenario where the intent is to intimidate a rival gang, or in many cases the shooter may just be firing wildly without any particular target.

Our proposed offence will fill a gap in the Criminal Code and provide a tailored response to this behaviour. This new offence requires proof that the accused specifically turned his or her mind to the fact that discharging his or her firearm would jeopardize the life or safety of another person, and appreciating this fact, the accused still went ahead. Quite simply, these individuals just do not care.

Canadians should rightly feel outrage at the wanton disregard that is shown for their safety when members of organized criminal groups, such as street gangs, carry out drive-by or other reckless shootings. This kind of criminal behaviour is deserving of more serious penalties and we are prepared to accommodate that.

The proposed penalty scheme mirrors that of similar serious offences involving the use of firearms, such as section 244. This offence would be punishable by a mandatory prison term of four years, up to a maximum of fourteen years. The mandatory sentence would increase to five years if the offence was committed for the benefit of, or at the direction of, or in association with a criminal organization, or involved the use of a prohibited or restricted firearm, such as a handgun or automatic firearm.

In addition, repeat offenders in these circumstances would be subject to a higher mandatory penalty of seven years' imprisonment. It sends the message: five years the first time, but understanding that some people do not always get the message the first time, they get seven years in the hope that this will impress upon them the seriousness of their actions.

As is already the case in the Criminal Code, there is a listed class of serious offences involving the use of firearms. Under our legislation these serious offences would qualify as a previous offence for the purposes of the increased mandatory jail term. As is clear, this new offence would provide a powerful new tool to target not only drive-by shootings but any shooting which involves consciously reckless behaviour.

The third area of reform relates to assaults committed against police, peace and public officers and those who are entrusted with maintaining law and order and preserving public peace.

● (1540)

The Criminal Code currently treats some acts of violence committed against peace officers separately from the same acts committed against the general public. For example, section 270 of the Criminal Code makes it an offence to assault a police officer in the execution of his or her duties.

At the other end of the spectrum, section 231 of the Criminal Code automatically classifies the murder of a peace officer acting in the course of his or her duties as first degree murder, regardless of whether it was planned and deliberate. However, there are no offences covering the middle range of behaviour, which are assaults that involve weapons or cause bodily harm or aggravated assaults directed at these individuals. We are proposing to fill that gap in the Criminal Code's treatment of violent acts committed against police and peace officers by creating these two new offences. It is time that these changes be made.

The first offence would prohibit the assault of a peace officer involving a weapon or which causes bodily harm. This would be a hybrid offence punishable by a maximum of 10 years' imprisonment on indictment. The second offence would prohibit the aggravated assault of a peace officer. This would be a straight indictable offence punishable by a maximum of 14 years.

Taken together, these two offences along with the existing offences would create a complete and separate scheme within the Criminal Code to respond to violence committed against peace officers carrying out their duties. These amendments will address assaults not only on police officers, but on prison guards, wardens, border and coast guards to name just a few.

These amendments send out a clear message: assaults committed against law enforcement officers will not be tolerated. These attacks not only put the lives or safety of the individual officers at risk, they also attack and undermine the justice system more broadly.

In order to ensure that these offences are adequately punished, we have proposed amendments that would require a court, when sentencing an offender for any of the specific offences targeting assaults against police officers, to give primary consideration to the principles of denunciation and deterrence.

The same principle would also apply to cases involving the intimidation of justice system participants, including judges, prosecutors, jurors, and many others who play an important role in the criminal justice system. This conduct is expressly designed to undermine the rule of law and the justice system more broadly and must be strongly denounced and punished.

The fourth issue that is being addressed in this bill relates to the use of the recognizance order that is specifically aimed at preventing the commission of an organized crime offence, terrorist offence or intimidation of a justice system participant offence. Section 810.01 was first added to the Criminal Code in 1998 and its purpose, as with other recognizance orders, is the prevention of future harm.

Ten years later, in 2008, our government's Tackling Violent Crime Act was passed. Among other things, that legislation made changes to strengthen the recognizance provisions that address serious personal injury offences and certain sexual offences against children.

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We are now proposing similar amendments to the gang peace bond provisions. Specifically, we are making changes to clarify that when imposing conditions as part of the order, a judge has very broad discretion to order any reasonable conditions that are desirable in order to secure the good conduct of the person before the court. This flexibility is extremely important because it provides those dealing with these persons with the framework they need to craft the most appropriate response to address the particular facts and circumstances of the case at hand. This helps avoid a cookie cutter approach and will result in more effective conditions being ordered. Any breaches of the conditions imposed will make the person subject to prosecution for the breach.

The second significant change we are proposing in this area relates to the length of the peace bond. Like the Tackling Violent Crime Act, we are proposing that the duration of the peace bonds be up to two years when it is established that the defendant has been previously convicted of an organized crime offence, a terrorism offence, or an intimidation of a justice system participant offence.

In the case of repeat offenders, 12 months was often not enough time and this would necessitate a prosecutor having to go back to court to seek a new order. This change will assist in that regard and thereby ease some of the burdens faced by those responsible for the administration of justice.

• (1545)

This bill includes a number of other supporting provisions that I will briefly highlight.

We are proposing to add the offences created by this bill and existing offence to section 183 of the Criminal Code in order to give police officers the ability to seek a wiretap authorization when investigating these crimes.

The bill would apply this to the two new peace officer assault offences, the new offence targeting drive-by and other reckless shootings, and the existing offence of discharging a firearm with intent to cause bodily harm. This will be welcome by police agencies across this country.

In addition, we are proposing to add new offences to the list of offences that are considered to be primary designated offences for the purposes of the DNA data bank.

I would be remiss in discussing these proposals if I did not acknowledge the tremendous level of co-operation between myself, my provincial and territorial counterparts, and the members of my own caucus. I have to say that the dialogue that I have had with them, the support that I have received from them and the encouragement they have received from their constituents to get behind these pieces of legislation has been very edifying and gratifying for me. A number of organizations, such as the Canadian Association of Police Chiefs, have supported a number of the recommendations.

Again, this is exactly what this country needs. These are steps in the right direction. As I indicated during question period and in the brief time I had prior to question period, this is just one of a number of measures that we are taking as a government. We also have the bill, which I call a companion piece to this, on drugs that sends out

the right message to people who want to get involved with the drug trade. This is an important component of it.

When people ask me about this and about that, I always tell them that we have a lot more to do in this area and we are just the group of individuals who are prepared to do that.

**Hon. Larry Bagnell (Yukon, Lib.):** Madam Speaker, I have a great deal of respect for the minister and his outline of the bill was very clear. As he knows, we are very supportive of a number of items in the bill, so I thank him for bringing forward these items.

I do have one comment and a few questions. The minister has been informed in the past a few times that some of these provisions do not have an effect on denunciation and deterrence. That should not be the main motivation but it does not mean we should not do a number of these things.

The justice minister in B.C. asked for a couple of things. One was to change the two-for-one remand credit. As he knows, that has been a sore point. I wonder if he will be addressing that at some time.

The second thing the B.C. justice minister asked for was the modernizing of investigative techniques. I know the member knows that the member for Notre-Dame-de-Grâce—Lachine has done some great work on this. The police are sort of stymied in their work. I will not explain it because I do not have time.

The last part of my question relates to gang murders. I am delighted that he is taking them on here, but are there any other initiatives related to the prevention of gang murders in some of the other programs and plans of the government? It would be a helpful addition to the legislation.

**Hon. Rob Nicholson:** Madam Speaker, I would like to take the last part first.

I indicated, in the short period of time I had during question period, that the Prime Minister announced in Winnipeg the national anti-drug strategy. Two-thirds of the new money in that program went directly to programs to help educate and work with individuals who, unfortunately, have become addicted or might consider experimenting with drugs.

I was very pleased to see that. There are a whole group of initiatives that have been undertaken by this government under the guns, gangs and drugs initiatives, the national crime prevention programs, whereby individuals, groups and governments can make application to get assistance to help work with people because we want to get people out of this business. We want to discourage them from getting into it and we want to help those who have found themselves addicted.

Part of what needs to be done is sending out the correct message to these individuals that these kinds of actions will not be tolerated.

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When we were discussing the Tackling Violent Crime Act, I alluded to the fact that we had mandatory jail times in there for people who commit serious firearms offences. One of the opposition members said to me that my problem was that I did not understand that sometimes these people do not understand the consequences of their actions. I said that that was where I and my government wanted to help. We want those people to get the message and five years in a federal penitentiary is a great start. We are even going further. If they do not get the message the first time, they will get seven years in a penitentiary because that will give them the opportunity to understand just how serious these offences are.

This is what we are doing in this bill as well. We are giving those individuals time to figure out what they are doing. However, here is the other part of it. We are helping to break up gang activity. Police officers in British Columbia told me that getting these people off the street will disrupt the gang activity.

It is a comprehensive approach, with respect to the hon. member's question. With respect to the other items, I do not want to get into the situation that we were in in the last Parliament. We had five good bills for about a year and a half none of them passed. They were all bills that we needed and that were important for Canada but because it was a minority Parliament none of them went through.

I do not want to get into that situation again so we are taking these one step at a time. We have two bills. I introduced another bill, the third one, the anti-terrorism act provisions, and we know how hard that was to get that through the last Parliament. I am optimistic that with the increased focus, this 11th hour conversion that we are seeing from so many members of the House of Commons, that they will be on side with us—

• (1550)

**The Acting Speaker (Ms. Denise Savoie):** Question and comments, the hon. member for Hochelaga.

[Translation]

**Mr. Réal Ménard (Hochelaga, BQ):** Madam Speaker, the minister was heading down the slippery slope of partisanship. It is a good thing you stood up.

I want to be clear that we will certainly support this bill in principle. In committee, we will look at which amendments should be reported. It is true that we have been rather resistant to mandatory minimum sentences. Our position is supported by a wealth of literature that clearly shows that mandatory minimum sentences are not effective deterrents but that the efficacy of the sanction and the real fear of being arrested do have a deterrent effect.

That is not the question I want to ask the minister. I was in the House when Bill C-95, which the Liberals authored, was passed in 1997 and the offence of gangsterism was first created. Now, anyone who commits a murder for the benefit or at the direction of a criminal organization as defined in sections 467.11, 467.12 and 467.13 of the Criminal Code is liable to imprisonment for life.

I would like to understand. I am not against this and I want to be very clear. How will classifying the offence as first degree murder change things? How is this different from the existing law? That is my question for the minister.

[English]

**Hon. Rob Nicholson:** Madam Speaker, the hon. member points out how difficult it is to get anything done. I think I have the grocery list of his reservations. He says that his party will support certain of the principles. Well, that is encouraging. He says that his party will consider some amendments and it has some problems with mandatory minimum sentences. This is why nothing was done in the last Parliament. These things were held up. These were good things that put the right message.

The hon. member wants to know what happens if, instead of getting 10 years, a person gets a lesser sentence, but now it will be increased to 25 years for someone committing murder, will this stop this individual. It may or may not but I do know that for last 15 years they will not be out on the streets participating in gangland activity and there will be a lot fewer victims in this country when longer sentences are served.

The hon. member has completely focused on the individual who has committed these terrible crimes. I say, how many people are victims or will be protected from being victims when we do get these individuals off the streets? I ask the hon. member to put aside his ideology with respect to this and think of his constituents. He should talk to the police forces in Montreal. Police agencies in Montreal tell me that they want these kinds of provisions. They want help on these issues.

I am hoping that the hon. member will not be stuck in the rut that he and members of his party are in and support these measures and get them going because we have a lot more to do.

• (1555)

[Translation]

**The Acting Speaker (Ms. Denise Savoie):** The member for Hochelaga for a very brief question.

**Mr. Réal Ménard:** Madam Speaker, under the Criminal Code, a person who commits a murder for the benefit of a criminal organization is liable to imprisonment for life.

I would ask the minister to stop serving up his patented Conservative rhetoric and tell us how the new offence he is creating will be different. That is my question, and I would like a clear answer.

**The Acting Speaker (Ms. Denise Savoie):** The hon. minister has one minute to answer.

[English]

**Hon. Rob Nicholson:** Madam Speaker, if the hon. member thinks it is the same, then he should get right behind this and support it. If he thinks this is not a big change, there should not be any big problem for him.

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I have told him before that his constituents will actually thank him for getting tough on criminals and the people involved in gangland activity, as opposed to people complaining about the poor fellow getting 25 years in jail. His constituents will thank him for moving ahead on these things and making our streets safer. That is what he should be doing.

[*Translation*]

**The Acting Speaker (Ms. Denise Savoie):** The member for Saint-Boniface for another very brief question.

[*English*]

**Mrs. Shelly Glover:** Madam Speaker, I want to commend our justice minister for everything that he pointed out here today.

**The Acting Speaker (Ms. Denise Savoie):** Is the member not in her regular seat?

**Mrs. Shelly Glover:** No, I am not in my chair.

**The Acting Speaker (Ms. Denise Savoie):** I cannot recognize the member.

[*Translation*]

Resuming debate.

The hon. member for Beauséjour.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Madam Speaker, this is the first time I have had an opportunity to speak to the House when you have been in the chair. I congratulate you on your appointment as Acting Speaker.

[*English*]

I am very happy to speak on behalf of the Liberal opposition on Bill C-14, An Act to amend the Criminal Code (organized crime and protection of justice system participants).

Let me be very clear at the outset: the Liberal Party will be supporting Bill C-14. In fact, the Liberal Party offered to work with the government to expedite the passage not only of Bill C-14, but of the companion Bill C-15, which amends the Controlled Drugs and Substances Act. We see this debate as important, but we also see a need to be expeditious and to ensure that these measures are adopted in due course, without undue obstruction or delay.

The Liberal Party views the improvements brought in Bill C-14 as modest measures. We see them as needed to address the real concern for public safety, particularly in communities that have seen the devastating effects and associated violence of organized crime, most recently in Vancouver. We think the government could have gone further in a number of measures. I will be addressing those in a few minutes.

Basically, Bill C-14 seeks to make four changes. It changes the sentencing provisions of the Criminal Code so that every murder committed in connection with a criminal organization is to be considered first-degree murder, regardless of whether there was premeditation. It creates a separate drive-by shooting offence, with a minimum mandatory sentence of four years.

The minister likes to talk about creating this important drive-by shooting offence. If he is honest, he will hardly be able to say that it is a glaring hole in the Criminal Code at present. Anybody who

engages in such reckless criminal behaviour as a drive-by shooting surely would be facing severe criminal penalties now. However, if the bill provides a measure of assurance to the public that there would be a separate offence with a four-year mandatory minimum sentence, the Liberal Party sees that as reasonable.

Bill C-14 also creates mandatory minimum sentences for the offences of assault with a weapon and aggravated assault on a peace officer, and it seeks to protect others who work in the criminal justice system, including prosecutors and judges. It extends the duration of recognizance by two years for a person who has previously been convicted of a gang-related or terrorism offence or who is suspected of planning a similar offence.

● (1600)

[*Translation*]

We in the Liberal Party recognize that the measures in Bill C-14 are modest, but necessary to reassure the public, which is increasingly concerned about public safety in certain communities. Vancouver, recently, and, in the past, Montreal, Toronto, Winnipeg and even Halifax, in the Maritimes, where I come from, have had problems with gangsterism and organized crime. This is a real concern for people.

To some degree, the Prime Minister and the minister himself, in their discussions on changes to the Criminal Code are always looking for confrontation. They try to turn the discussions into partisan matters. They say the government supports these measures but that we in opposition keep trying to block, delay or prevent the passage of them. That is why I am pleased to be able to say the Liberal Party offered to fast-track passage of Bill C-14 and Bill C-15, two bills we will support.

It is often useful to examine a bill from the standpoint of what is not in it.

[*English*]

What specific items might the government have included in Bill C-14 that it did not put in?

We are particularly worried about the three requests the Government of British Columbia made. The Attorney General and the Solicitor General of British Columbia made these requests when they were in Ottawa a couple of weeks ago.

They met with opposition parties and members of the government. They asked Parliament to amend the Criminal Code to reduce the two-for-one remand credit. When somebody is incarcerated before a trial or a conviction because the person has been denied bail or chooses to waive bail and in fact is in a detention centre prior to a trial, often the courts will count the time spent in pre-trial custody as two days for every one day of a sentence, which leads to certain public consternation. When a sentence is ultimately imposed by the judge, the judge often reduces the sentence by a large factor for pre-trial custody.

*Government Orders*

In the view of the Government of British Columbia and in our view, that can be reduced. We can legislatively restrict the ability of the courts to allow for that two-for-one credit. We are told that in some jurisdictions, it can be as high as three for one, and we think it has become an abuse of the justice system.

The Government of British Columbia also asked for improvements to lawful access and to modernize investigative techniques. Often members of organized crime have the latest communications equipment and the most sophisticated electronic communications. Our laws with respect to search warrants and electronic surveillance have not kept up with this new technology. Improvements can be made to criminal legislation to allow police, when they get a search warrant, to be able to gain access to communications on cellphones, in emails or on wireless communication devices such as Black-Berrys.

My colleague, the Liberal member for Notre-Dame-de-Grâce—Lachine, has a private member's bill that seeks to do exactly this. A Liberal bill introduced by the previous Liberal government in 2005 sought to modernize investigative techniques. There again the government chose not to move on that.

The government may decide to introduce legislation to deal with the remand credit, to deal with modernizing investigative techniques, and to look at the issue of disclosure, which has become a huge burden on provincial justice systems. These are the three things we heard the Attorney General of British Columbia cite as being priorities to deal with the crisis there. If the government decides to move on those issues, we would work with it to expeditiously pass reasonable measures to deal with those issues as well.

[*Translation*]

We were somewhat disappointed by Bill C-14 and have described its measures as modest, because the bill is silent on these improvements.

[*English*]

One of the difficulties we have also with the Conservatives' approach to criminal justice is that they obsessively focus on the back end of the problem. They like to talk about more severe punishment. They like to talk about stiffer sentences.

● (1605)

Those improvements have their place in a criminal justice system, and we acknowledge that if they are balanced and reasonable, we can in fact improve criminal legislation to deal with the worst offenders and the most serious crimes.

However, what they never talk about is the other part of the criminal justice system: prevention.

The Conservatives like to have a policy that punishes the offender once there is already a victim, instead of taking increased steps to work with police, community groups, provincial governments and not-for-profit groups that want to do things in the community to try to reduce and prevent crime before there is a victim. In cases of organized crime, victims often face tragic consequences, including serious violence or loss of life.

If one talks about getting tough on crime, one has to accept that we also need, for example, to work with provincial governments on difficult issues such as mental health and addictions. If there is a great shortage of in-patient addiction facilities in my province of New Brunswick and an inadequate mental health system to deal with criminal justice circumstances, then communities are not as safe as they could be if the Government of Canada worked with the Province of New Brunswick and other provinces to meet their specific needs.

The Province of New Brunswick is looking at setting up a drug court. In certain cases involving drug addicts who have not participated in organized crime or violent offences, such a court may offer a sentencing regime that will deal with the root cause of their criminal activity, their addiction, and thus make the community safer by bringing about treatment and, hopefully, a cure for somebody who faces something as difficult as a serious drug addiction.

These are important elements of a criminal justice plan as well, but the government consistently fails to advocate in favour of greater resources for police or greater resources to help provinces with a shortage of crown prosecutors, or to work with provinces to improve mental health services, addiction services or youth programs, which are often essential in improving the security of a community.

[*Translation*]

We consider these matters just as important as the legitimate desire of the public to have teeth added not only to the Criminal Code but particularly to the sentences given criminals who commit the most serious crimes.

Instead of introducing a number of measures at once, the minister insists on bringing us his bills one at a time. Is it because the Conservatives have nothing else on their legislative agenda? Is it because they are still trying to make criminal justice announcements to override the bad economic news Canadians now read and hear about almost daily? We do not know, but if the Conservatives insist on turning these matters into partisan debates, they will end up undermining their own idea of passing bills to improve public safety.

[*English*]

I will conclude by saying every member of the House must accept the responsibility to improve the safety of all our communities. I represent a rural community in New Brunswick. The largest town is probably Sackville, New Brunswick, where Mount Allison University is located. It has a population of around 5,000 people. Other members in the House represent some very large metropolitan areas, some of Canada's largest and most dynamic cities, and they are seeing very difficult challenges around organized crime and violent crime.

I say that if we work together cooperatively in a balanced and measured way, we can collectively make improvements to criminal legislation that will make communities safer. At the same time, we can respect the individual rights of Canadians and the Charter of Rights and Freedoms. We can also do a lot more around preventing crime, as well as around preventing victims from being created and thus having to punish an accused person.



*Government Orders*

•(1610)

**Mrs. Shelly Glover (Parliamentary Secretary for Official Languages, CPC):** Madam Speaker, I want to point out that I also believe there is no greater responsibility for any government than to protect its citizens. The safety and security of citizens is at the forefront of what our government is trying to do.

I would point out that we have addressed many issues that our police services have asked for. As a former police officer, I believe very strongly in the measures that have been brought forward by this government.

I would like to ask the member why, during his party's 13 years in power, his government did not address these very serious things, such as mandatory minimum penalties for gun crimes, the reverse-onus situation and the age of protection. Why did you get none of that done during your 13 years, and now you choose to criticize the fact that we have finally moved things forward?

You also never mentioned victims, and I assure you that I stand here because victims are at the forefront of everything I do in justice. I would remind you that under your government, the Youth Criminal Justice Act was brought forward, an act that completely devastated families and our youth. I ask you why you have done nothing to support measures to change that either.

**Hon. Dominic LeBlanc:** Madam Speaker, the member in her question kept referring to “your government” and why “you” did nothing. I would not purport to say that you have done nothing about organized crime and you have not been tough on crime. I hope the member did not mean to cast aspersions on you.

When the member pretended, as those members always do, that the previous Liberal government did not do enough, she may not have been in the House when the member for Hochelaga made reference to a very important improvement that the previous Liberal government made with respect to creating organized crime legislation in Canada as response to the tragedy, in many ways, that Quebec was seeing with organized crime about 10 years ago. I think the member for Hochelaga was very pleased that Parliament adopted those measures under a Liberal government.

The member forgets, for example, that a previous Liberal government dealt with the reverse onus on serious gun crimes. A previous Liberal government always took public safety seriously. What we did not do was seek to take public concern and the tragedy of violent crime and turn it into a partisan issue, with empty rhetoric, and pretend somehow that we alone had the virtue in wanting to make communities safer.

**The Acting Speaker (Ms. Denise Savoie):** I would ask all members to address their comments through the Chair and in the third person to their colleagues.

Questions and comments, the hon. member for Hochelaga.

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Madam Speaker, the Lord knows you are a fine example of femininity.

I am not explaining my confusion very well and I am sorry. I find it hard to understand why they want to turn this into a partisan debate

when lives are being destroyed in some of our communities and it is important for us to work together and cooperate.

The Minister of Justice rose a little while ago—you were in the Chair, Madam Speaker—and was disrespectful to me. I do not want to make too much out of it, but implying that some people are less concerned than others about the organized crime problem is very nasty.

I want to ask this of the hon. member for Beauséjour. In times like these, when communities all over Quebec and Canada are badly hurt by the threats looming over them, has the time not come to be cooperative and non-partisan?

Should we not put a stop to the nastiness so characteristic of some members who think certain people are sensitive while others are not?

**Hon. Dominic LeBlanc:** Madam Speaker, I want to thank my colleague from Hochelaga for his question. I share his sentiments exactly. I have had the privilege of working on the Standing Committee on Justice and Human Rights with a number of members, including the Bloc Québécois justice critic, the hon. member for Hochelaga. I think we work well together on improving Canadian legislation, especially in regard to the safety of our communities.

The hon. member for Hochelaga is certainly sincerely concerned about public safety, although the Conservative members might not often be as sensitive as he is or as I am, for example, to the Canadian Charter of Rights and Freedoms. If we are going to work together on improving the Criminal Code, we should do so in a collegial way with the interests of our communities uppermost in our minds. The Conservatives always insist on turning these situations into partisan wrangling.

Ultimately, it was probably because the minister referred in his speech to the antiterrorism bill he introduced today, forgetting to mention that it died on the order paper two years ago. Suddenly the Conservatives decided today to re-introduce a bill they have ignored for two years. It is often just a diversion, a way of trying to distract attention.

I think it is because we are going through very difficult times and the government does not have any answers. It is trying to hide its economic ineptitude.

I fully agree with the hon. member for Hochelaga that we should have serious debates on these issues, focusing on improving public safety, and not just partisan wrangling.

•(1615)

[*English*]

**Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC):** Madam Speaker, we are talking about protecting Canadian citizens and the victims. Why did the Liberals bring in the gun registry? We have more police officers dying on the job because the gun registry came into effect.

**Hon. Dominic LeBlanc:** Madam Speaker, I am a little surprised to hear the member say that more people are dying because the gun registry came into effect. That makes no sense at all.

*Government Orders*

The Conservatives have always had a hidden agenda to gut control legislation. They try to introduce a number of bills aimed at weakening gun control legislation in Canada. They do not have the courage to bring it in as a government bill and take the responsibility for telling Canadians and victims of crimes that they do not believe in gun control. What they prefer to do is use private members' bills and amnesties to basically gut an instrument that Canadian police officers use thousands of times a day.

The member talked about gun control. There is a private member's bill before the House that deals with gun control legislation. The Canadian Association of Police Chiefs has called on all parties to vote against the Conservative private member's bill, which seeks to weaken the gun registry and gun control.

If, somehow, this has led to the death of police officers and citizens, it is news to the Canadian Association of Police Chiefs.

**Mr. David McGuinty (Ottawa South, Lib.):** Madam Speaker, I would like to commend my colleague for his tone in this debate.

I remind the government members, and the minister in particular, that histrionics do not criminal law better make.

It is important for us to remember that the Conservative Party is doing what it does best. It is rallying around its mantra of trying to frighten Canadians. It is rallying around its mantra of creating the crisis. All of this, and I ask my colleague to respond to it, because it simply cannot deal with the emerging economic crisis which is weighing upon it.

As a result, the Conservatives have to mount their 50,000 square foot fear factory in my riding, their campaign headquarters, and begin to try and turn everybody's attention away from the economic realities of hundreds of thousands of job losses. Rather than deal with the insecurity Canadians feel, they torque up their law and order agenda.

Does my colleague think that is the way we should approach these important issues and how might he present this otherwise?

[*Translation*]

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Beauséjour has 40 seconds to respond.

**Hon. Dominic LeBlanc:** Then I suppose, Madam Speaker, that I shall have to be brief.

[*English*]

My colleague, the member for Ottawa South, as usual, has summarized a great sentiment that many of us in the House feel. The Conservative Party seeks to make out of tragedies, public safety and horrible acts of criminal violence a partisan advantage. Instead of the Conservatives asking what we can do together to improve criminal legislation, to toughen up criminal legislation with respect to the worst offenders, at the same investing in prevention and measures that will make communities safer, they seek to camouflage the fact that the economy is in trouble and they have no plan.

• (1620)

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Madam Speaker, a little background is in order. Earlier, in a tone of voice neither friendly nor

courteous, and certainly not the sort of tone one would expect from a man whose job it is to work toward achieving consensus on these issues, the Minister of Justice suggested that the party I represent, the Bloc Québécois, has not taken a serious enough interest in organized crime issues. I would like to take another look at some of the facts.

I was elected in October 1993. The Prime Minister of the day, Mr. Chrétien, had to go to a NATO meeting, so Parliament was convened in January. In August 1995, a car bomb took the life of young Daniel Desrochers. That was when the impact of motorcycle gang wars on civil society began to receive broad media coverage. I would like to point out that what people in British Columbia, particularly the greater Vancouver region, are going through now, unfortunately, is something we experienced to an even greater extent between 1995 and 1998.

In 1995, I introduced the first anti-gang bill. I well remember my discussions with senior federal officials. At the time, Allan Rock was the Minister of Justice, and some of his officials convinced him that we could put an end to organized crime using conspiracy provisions. I cultivated my police force contacts. A man by the name of Pierre Sangolo taught me a lot about organized crime. He was the Montreal police officer in charge of the file. I was a young member of Parliament then, just 31 years old. I had been elected a little over two years before, and I had never in my life had any need to pay attention to organized crime. I had vague memories of my parents taking an interest in the Commission of Inquiry on Organized Crime (CIO). I was young, and I knew that organized crime could poison the communities it targeted.

Pierre Sangolo, a Montreal police officer, explained to me that a certain number of conditions have to be in place for organized crime to flourish. For example, organized crime is not necessarily the same here as it is in developing countries. In order for organized crime to exist, there have to be some indicators of wealth and lines of communication. Organized crime operates in the import and export markets. Not only does organized crime make itself at home in wealthy societies with good lines of communication, it also at home in societies with a certain amount of bureaucracy. In the case we are interested in, it is a question of the bureaucracy of the legal system. This bureaucracy has grown up mainly because of the charter and the multiple appeals that are possible when one goes to court.

*Government Orders*

And so, I introduced the first anti-gang bill. At that time, the Liberals formed the government. It took up a bill that became a government bill, Bill C-95, which created the criminal organization, or gangsterism, offence. That reinforced the idea that there was more to worry about than crimes committed on an individual basis, conspiracy, premeditation and organized criminal attacks. It meant that the ringleaders had to be targeted. Those who give the orders and plan the operations are not the ones who carry them out. In the legal system as it existed then, we had the means to deal with those who carried out the orders, but we did not have many tools to attack those at the top of the organized crime pyramid.

● (1625)

In large part thanks to the inspiration and leadership of the Bloc Québécois, Bill C-95 created a new offence. When five people belong to an organization and any one of those people commits a serious offence, an offence punishable by more than five years of imprisonment and from which the individual stood to gain financially, that was considered a new offence called participation in a criminal organization.

The bill was passed in 1997. From what I remember, all parties supported that bill. The next year, in 1998, the Montreal police service and other police forces told us that the number five made enforcing the law too difficult. What they were seeing was the creation of all kinds of satellite gangs and it was difficult to find five people who had been convicted of offences punishable by more than five years in prison. In Bill C-24, which, if memory serves, was introduced by Anne McLellan, the number was reduced from five to three. It was the Bloc Québécois that worked hard and got results. At the time, Richard Marceau, the hon. member for Charlesbourg, was the Bloc's justice critic. We managed to get the government to remove \$1,000 bills from circulation, since we knew that \$1,000 bills helped drug traffickers and people involved in organized crime. I am convinced that if I did a quick survey here and asked my fellow members how many have a \$1,000 bill in their pocket, I doubt that anyone here, whether MPs, clerks or the Chair, would have a \$1,000 bill in their possession, even though we all earn a good living.

It was also the Bloc Québécois that managed to create a new offence allowing for reverse onus of proof regarding the origin of the proceeds of crime acquired by criminal organizations. Of course, we realized that reversing the onus of proof is always a means of last resort in law. Given that the Crown and the defence do not have the same means, the Crown must prove that an offence was committed. However, we felt that the problem was serious enough that, once a guilty verdict was pronounced, there should be a reverse onus of proof regarding the proceeds of crime.

The Bloc Québécois led the way in having these measures adopted. That is why I take exception to the fact that the Minister of Justice, who too often is narrow-minded in his interventions, implied that we were negligent, that we were not steadfast, that we were not concerned about the issue of organized crime. The police services I have worked with for a number of years—as did my predecessor, the member for Charlesbourg, and Michel Bellehumeur before him, who was once the Bloc justice critic—can confirm that we have always been very concerned about organized crime.

I say to the government that we will support this bill. We are in favour of its objective. I met with the Attorney General of British Columbia. He explained the situation in his province. He proposed three measures. We truly hope that two will be implemented. The first concerns deducting from the sentence double the amount of time served in detention prior to trial. I will come back to this. The second concerns the issue of accelerated release. This is a longstanding demand.

● (1630)

The third measure on which we need a bit more reflection and information is the whole notion of the Crown's ability to restrict the disclosure of evidence, which would of course be contrary to certain Supreme Court judgments, Stinchcombe in particular. We must therefore ensure, when it comes to the disclosure of evidence during the preliminary inquiry and the trial, that this is not in contravention of the rules of fairness that must exist when a trial is involved, particularly a criminal trial where it may be a matter of imprisonment and life imprisonment.

We are going to support this bill. Can I tell the Minister of Justice and the government that we will not be presenting any amendments? Certainly not. The purpose of referring a bill to a committee is to hear witnesses. We want to work with diligence. We are aware that there is a worrisome situation in British Columbia, but we are not going to rush things. We are going to work seriously but we are not going to make a commitment to present no amendments.

For example, the matter of mandatory minimum sentences is an obvious problem for us. Each time a provision of the Criminal Code contains a mandatory minimum sentence, we are sending the message that we do not trust the judiciary. Each case before the courts is individual, and justice needs to be individualized as well. We are not comfortable with anyone wanting to tie the hands of the judiciary. It is possible that the Bloc Québécois will bring in some amendments concerning mandatory minimum sentences. We have always maintained the same position. We are consistent on this.

I am also well aware that organized crime is an extremely changeable reality, a highly dynamic phenomenon. When I first began to take an interest in organized crime in 1995, at the age of 31, there was very little reference to street gangs. It was motorcycle gangs, the Hells Angels, the Rockers. There were gang wars in various communities. In recent years, another phenomenon has emerged: street gangs.

*Government Orders*

What characterizes street gangs? As far as intelligence gathering is concerned, this different phenomenon presents some difficulties. First of all, they are groups that are far harder to do surveillance on, far less organized, far less structured. I do not know whether anyone here has had the opportunity to look at an organization chart of the Hells Angels, with their sergeants at arms and their presidents. It is a highly structured organization with implacable rules and regulations. We are well aware that any Hells Angel who does not stick to the rules is liable to be killed. Not that I am sorry about that in any way, but what I am saying is that, when street gangs are involved, they are less organized groups, and so harder to wiretap, harder to do surveillance on, and less predictable in their criminal behaviour.

I was told that when it comes to street gangs, we are seeing a bit of a second generation. People in street gangs tend to be a little older. These people are not, on average, 14, 15 or 16. They tend to be a little older than that. Street gangs are not necessarily based on ethnic origin alone anymore. We know that there have been some alliances with organized crime groups and that there are now Caucasians—white people—who are in important positions in the hierarchy of street gangs. Those are some of the realities that we must try to understand more at committee.

The main new feature in this bill is the following. We are told that when a murder—a homicide—is committed for the benefit of or at the direction of a criminal organization, as set out in section 467.11, 12 and 13 of the Criminal Code, it will automatically be deemed a first degree murder.

• (1635)

Murder in the first degree means that it was premeditated. My colleague from Marc-Aurèle-Fortin, as a former justice minister, was quite right to remind me that the difference between a first degree murder and a second degree murder is the deliberate nature, the use of violence and the use of a weapon in the case of first degree murder.

I do not oppose the creation of this offence in the Criminal Code. I simply want to understand. It is my impression that, already at this time, if someone commits a homicide for the benefit of a criminal organization, that individual can be sentenced to life in prison with no parole eligibility for 25 years.

How will the creation of the new offence change anything? I am not saying it is irrelevant, but I want to understand.

I thought that the reason was that, when members of organized crime are brought before the courts, they might plead guilty to manslaughter. That must be the reason, I told myself.

Just now, when I put this question to the minister with my habitual courtesy, the minister got a bit annoyed. Not only did he get annoyed, but he raised his voice. Not only did he raise his voice, but he did not want to answer. Not only did he not want to answer, but he accused me of being an ideologue. Paradoxical, that. The Conservatives calling me an ideologue. What kind of a crazy world are we living in?

I was trying to get the Minister of Justice to explain this new offence to me, one which may be pertinent, well-founded, rational, but he did not answer the question. That will not stop us from

supporting the bill in principle, but I believe it may not be a provision that is as original as the minister would have us believe.

This bill disappoints us in some ways as well. For example, we would have liked to hear about pre-trial detention. It is true that there was a time in the justice system—the older ones here will remember it—when people awaiting sentencing were kept in difficult conditions in penitentiaries. That we acknowledge, but has there not been a significant change in this area? Do we still need to say that, for every day of detention before trial, there will be two days deducted from sentences?

The Bloc Québécois wonders whether this practice ought not to be reviewed. We were concerned about this getting rushed through. How is it that a person who has had a fair trial can be released after a sixth of his sentence? Is there not something about this that should worry us as far as the peace we desire for our communities is concerned?

I repeat, we are anxious to look at this bill in the Standing Committee on Justice and Human Rights. We are not going to take a partisan approach. We have a full picture of what is going on in communities, in Vancouver and other parts of British Columbia. Moreover, there is no community anywhere that is sheltered from violent confrontations between criminal groups. I am not guaranteeing that we are not going to make amendments, but we do support the bill in principle.

I hope that all members of this House are not going to start impugning motives, and that they will all agree that we are all concerned by the safety of our fellow citizens and that we are going to bring to our work in committee a high-minded approach and broadness of outlook, as all serious parliamentarians must.

**The Acting Speaker (Ms. Denise Savoie):** Before we proceed to questions and comments, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the member for Malpeque, Agriculture.

• (1640)

[*English*]

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Madam Speaker, I listened very intently to the comments of the member opposite. I am happy to hear that at least in principle his party is prepared to support Bill C-14.

I listened to his comments regarding mandatory minimum sentences and they disturbed me slightly. We have heard compelling testimony at the justice committee and elsewhere. The hon. member is a member of that committee and makes very constructive contributions to that committee and I commend him for that.

We have heard very compelling testimony from families of victims whose loved ones have been murdered by individuals with multiple Criminal Code convictions and while they were either on bail or on judicial interim release.

In light of that type of compelling testimony from the family members of deceased victims of crime, I am curious why he does not support the imposition of minimum mandatory sentences.

*Government Orders*

[*Translation*]

**Mr. Réal Ménard:** Mr. Speaker, we most certainly feel for the victims. Naturally, I was touched. This morning I was rereading the testimony of Mr. Steve Brown and the mother of young Mohan, who was cruelly murdered on his way to a basketball practice. Of course we are touched by such cases. If I were asked whether we would be safe from this phenomenon because of mandatory minimum sentences, my answer would be no.

A judge who does his job well, and we have confidence in our judiciary, will hand down a sentence suited the offence. He will implement the provisions of the Criminal Code that are most pertinent to the offence he must examine. If the Crown is not satisfied with the decision and the sentence, there is the appeal process.

The member was not in the room when we heard from experts who have studied mandatory minimum sentences. None of them said that it is an effective measure. It is not effective because it suggests that a member of a criminal organization will be conversant with the Criminal Code and will plan a crime differently because it will result in a sentence of five rather than four years. The criminal world does not work like that.

Arrests are a much greater deterrent. That is why we agreed. The member for Marc-Aurèle-Fortin spoke about this in the House. We would like to see more police in communities and more money for police investigations. However, mandatory minimum sentences are not the answer to the problem raised by my colleague.

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Madam Speaker, at first glance, I noticed two things about this new bill. It seems to me that several of the offences it would create are already in the Criminal Code. This bill covers more specific ways of committing crimes that are already prohibited. I may be making the same point.

There is something else of concern to those who think that minimum sentences are effective. Does he remember when there was a minimum sentence for importing marijuana, and what happened because of that?

**Mr. Réal Ménard:** Madam Speaker, the member is right. I remember when I was in my first criminal law course, one of my professors asked us what the Criminal Code called for, and may still call for, for residential burglary. There were about thirty students in the class, each more enthusiastic than the last. We thought it might be six months, a year or two years, but in fact, the sentence could be as long as life in prison. My colleague is therefore right in saying that minimum sentences are not effective.

Second, my colleague from Marc-Aurèle-Fortin is right in stating that many Criminal Code provisions fall under the generic heading of criminal negligence. Right now, there are provisions in the Criminal Code—added in 1997—that cover assault on a peace officer. This bill might not be quite as innovative as one might think. However, it is an attempt to address an urgent matter, and we are ready to give it serious consideration in committee.

• (1645)

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, I would like to congratulate my colleague on his speech. I would like to ask him a very simple question. He has followed the Conservative

government very closely for the past three-and-a-half years. Would he be able to help us understand how the government uses the procedure known as evidence based decision making? Is the evidence presented to defend the government's position or should we be hearing more?

**Mr. Réal Ménard:** Madam Speaker, I would like to thank my colleague for his completely non-partisan question. I thank him for that focus. I agree with my colleague that it has happened in the past, and it is our job to remember, that some bills have been introduced in this House when scientific evidence was not always on-side with developing public policy.

We were talking about mandatory minimum sentences earlier. If my colleague who handles the human resources file were here, he would obviously criticize the fact that there is still a waiting period for the unemployed while the evidence shows that, in the current economic climate, eliminating it would be the best solution for everyone. The truth is that this government does not always agree with what we would call a certain scientific truth or, above all, practicality.

**Ms. Nicole Demers (Laval, BQ):** Madam Speaker, I would like to congratulate my colleague on his usual eloquence. He delights us with his comments, which are always relevant.

I would like him to give us some more information about the fact that in Quebec we lean more towards social reintegration and transforming people than towards repression. Could he enlighten us a bit more on that?

**Mr. Réal Ménard:** Madam Speaker, my colleague refers to the youth criminal justice system. What clearly synthesizes the policy of the government, or governments—since neither the Liberals nor the PQ have strayed far from this policy—is the right measure at the right time. We feel that if a youth is caught in time, has a social network and broad range of programs to back him up, this can yield results that are far more profitable than incarceration, which certain parties in this House are a bit too fond of.

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Jeanne-Le Ber for a short question.

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Madam Speaker, I know that my colleague has a long-standing concern about organized crime. I would like to know what he thinks about the display of membership in organized crime. We know that this is a problem; the mere fact of wearing the colours of a street gang or a group known to be linked to organized crime can intimidate people. I would like to know his thoughts on this and whether he has any suggestions about it to propose to us.

**Mr. Réal Ménard:** Madam Speaker, I thank my colleague for his question. I also thank him in advance for meeting with the Canadian Arab Federation.

*Government Orders*

This is a very important question. For example, in the Lindsay case in British Columbia, some Hells Angels were arrested. One of the Hells Angels had left his wallet on his bike at a rally. Since everyone knew it belonged to a member of Hells Angels it was safe from theft. In other words, an entire reign of terror can go along with recognition of affiliation to a group identified by a patch. The Bloc has reflected on this and feels that once an organization has been deemed by a court of justice to be a criminal, the display of symbols linking a person to that organization should be banned.

• (1650)

[*English*]

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Madam Speaker, it is a bit ironic that this bill is before us today because it is an anniversary for the Conservative government. It has been a full year since the government has had any legislation before the justice committee. The reason has been entirely in its hands throughout that period of time.

I thought it was doubly ironic to listen to the justice minister in question period today and in some of his responses to questions today praise to high heaven the Conservatives' role in being tough on crime and that the opposition parties were delaying legislation. Let us look at the real history. These are facts.

A year ago the Conservative chairman of the justice committee took it upon himself to thwart any further work by that committee for the balance of the session.

**An hon. member:** That is not true.

**Mr. Joe Comartin:** Madam Speaker, it is true. I sat through all of that and it is true. I will repeat that and if anybody wants to take it outside the House, I would be quite happy to do that.

That is what happened. The government through its committee chair thwarted any work by the justice committee. It stalled all of the legislation. There were, as the justice minister said, five bills before the House and in that committee in that period of time and we could not deal with any of them because the chair constantly refused to allow the committee meetings to go ahead. That is what happened until June. We adjourned in June for our summer recess.

One has to ask, during that period of time, where was the government? Was it talking tough on crime? Was it telling the chairman to get back to work? No. Then what happened? The Prime Minister took it upon himself to decide that maybe he had a shot at a majority government. Does anyone think at any moment, at any second, it entered into his mind that he had to be tough on crime and keep the legislative process going to try to deal with some of the problems we are confronted with? Absolutely not. What did he do? He called an election. All of the bills that we had in the House and before the committee were gone.

What happened next? We came back in November after the election. The government was in trouble. The Prime Minister decided to prorogue Parliament. Does anyone think that at any time, for even a nanosecond he took into account his championing of being tough on crime? Absolutely not.

We came back after prorogation. We have been here for two months, and today for the first time we are debating the crime bill.

That is the record of the government. I know I am not supposed to use this term, but it is the height of lack of credibility on the Conservatives' part when they stand in the House, or out on the hustings and before public groups and claim they are tough on crime and it is a major consideration for them. When one looks at the history over the last 12 to 13 months, it is simply not true.

I have been asked on a number of occasions since Bill C-14 was tabled as to whether we would support it. I have indicated we would. Because of some of the provisions that are in it, I have been asked why. There are three reasons.

There are two good provisions in it. In the bill, we are extending protection to our police officers and our justice officials, something that has been needed for quite some time. Quite frankly, it could have been done in a number of criminal justice bills that we have had for the last four years, both under the Liberals and the Conservatives but it was never done until finally we are getting to it now.

Another reason for supporting it is that there are some specific provisions which go to something I am surprised the government caught on to. It is about prevention. There is a provision in the bill of extending the use of the recognizance sections of the Criminal Code, which are already there, for a longer period of time, from one year to two. The bill also extends the discretion that we are giving to the judiciary of conditions the judiciary can impose on people who have been involved historically in gang activity so that we can control them. We can in fact watch their conduct, what they are doing and with whom they are associating, including at the discretion of the judge, giving the judge the authority to require them to wear electronic ankle bracelets so we can track wherever they are.

• (1655)

It can require them to participate in a treatment program. A great deal of the people we deal with, as we have already heard today from other speakers, have mental health problems and addiction problems, so we can actually compel them to take part in treatment programs and tell them to stay within geographic areas. That means keeping them away from our schools and other places where they may be able to get at our youth, to stay in their homes for specified periods of time and to abstain from the consumption of drugs and alcohol, other than according to medical prescriptions.

We are expanding quite significantly the judicial discretion in this regard. It is a very good part of the legislation. It is, again, a part that we have needed for quite some time and it can be used as part of our fight against the street gangs and organized crime more generally.

Those are two reasons why we are doing it.

The third one, and this sounds perhaps a bit sarcastic, is that for those two reasons, there are other provisions in the bill that are really quite questionable in terms of any particular effectiveness they will have. As we heard in one of the questions from the Bloc, the Conservatives appear to be duplicating provisions of the Criminal Code that are already there and that could be used to deal with the type of conduct.

I know I am being a bit sarcastic, but if this will satisfy the Conservative Party and the Conservative government to move on to more meaningful conduct, then we will support the bill for that reason as well.

*Government Orders*

Let me address a couple of those areas.

We are, in effect, requiring first degree murder charges to be laid when the conduct that results in a death is associated with a criminal gang or terrorism. We have done this as a result of the battle that went on in Quebec against the bikers. We had amended the code in that period of time to deal with the use of explosives, again, both when it was related to organized crime and/or terrorism acts. If explosives were used in those circumstances and a death resulted, it was automatic that a first degree murder charge would be laid.

The significance is that if it is a first degree murder charge and the person is convicted, the sentence is automatically 25 years or life, which is a minimum of 25 years, so it significantly increases the potential penalty the person will receive if convicted. It makes sense to do that in the present set of circumstances of what we are dealing with in terms of organized crime.

It was interesting, in the last couple of days I have sat on both the justice committee and the public safety committee. Both times we were dealing with the issue of gangs and organized crime. What has come out in the course of that, from the RCMP and Border Services, is the number of gangs that have grown in the country just in the last few years. If we go back to 2004-05, the number of street gangs have almost doubled in that period of time.

They do not fit the traditional model. They are not large organizations or the stereotype of organized crime or the biker gangs. These tend to be smaller units, sometimes as few as four or five people, that are committing significant crimes and becoming more and more violent.

It is important to put into context the crime rate in our country when we look at this and why it is so important that we target the gangs. What has happened is the crime rates in Canada have gone down in every category over the last 20 years. The one exception is the crimes being committed by gangs.

Last year and the year before, approximately 20% of all the murders in the country were committed by members of gangs; that is a full one-fifth of all murders. A great deal of murders are being committed with guns that are being smuggled into the country and stolen from lawful users. Those are the kinds of targets we have to go after. Generally, the other provisions of the bill really do not do that.

● (1700)

We have what is colloquially known as the drive-by shooting section. We have now made that a crime. Quite frankly, there are any number of other provisions in the Criminal Code that would deal with that. It is hard to envision a scenario of a drive-by shooting that would not be caught by other provisions of the code, which have quite severe penalties, whether it be murder, manslaughter, second degree murder or criminal negligence. There are all kinds of other provisions that could be used.

To some degree, there is some smoke and mirrors in the bill. We are prepared to support it if we can get it through because of the other provisions around the recognition and the protection that we would provide to our justice officials, including police officers.

In the last few minutes I will spend my time on what the NDP believes should be the real thrust of the government to deal with the spike in crimes in British Columbia, in 2005 in Toronto and around the end of the last century in Quebec, Montreal in particular. The Quebec situation is probably the best example, but in the studies and analysis I see of what went on in Toronto, the same thing was true there.

It has nothing to do with any legislation we can pass here. It is absolutely essential that we have an integrated process among all the police service agencies; that is the RCMP, the provincial police if there is one in that province, the local municipal police, the Canada Border Services Agency and on down the list.

It is one of the problems we have identified already in B.C. There is not enough coordination going on there. Crime does not pay attention to municipal boundaries. It crosses them on a regular basis and, at times, it crosses them because it may be easier to commit the crime in the other municipality. That integration and coordination is an absolutely essential requirement and it requires the government to look at providing additional resources to the police agencies across the country, particularly in the province of British Columbia.

The Conservatives promised a total of 2,500 police officers and they still have not fully delivered on that. They have not even come close. They led the country to believe they would do that. What they actually intended to do was to dump most of the costs on the provinces. A number of the provinces have been unable to match the federal money, so we still do not have the police officers on the street. The specific agencies that need to be covered, in terms of additional resources, would be part of that integrated strategy.

There was evidence in the public safety committee in the last Parliament that the witness protection program was bifurcated across the country. The federal one is very weak. It is not funded well enough by any means. The provinces and in some cases municipalities have had to take this responsibility on. They do not have the financial resources to do that, only the federal government does. They are still sitting on that work and have not done anything from what I have seen for the last almost two years.

We need to provide additional resources to our prosecutors. I think back to the problem of going after biker gangs in Ontario. We had one prosecutor, an articling student and one secretarial staff member to take on two of the largest defence lawyers and their firms in what would be a monumental case.

What happened was one of the chief prosecutors in the province had to threaten to withdraw services before enough resources were acquired to prosecute that case. There was a conviction in that case. The finding was that the bikers were in fact a criminal gang. That was a major breakthrough in Ontario. B.C. is in a similar situation right now. It needs additional resources.

● (1705)

We need to toughen up our proceeds of crime legislation. It is almost a bit of joke. What has happened again is the provinces, having given up on the federal government, have begun to do this much more effectively than our federal legislation.

*Government Orders*

I should recognize the work of my colleague from the Bloc on the justice committee. We are studying organized crime. I know this is one of the areas we will look at and come back with recommendations of how we need to strengthen our proceeds of crime legislation. That will go right at the gangs, both the traditional, organized ones and the street gangs.

Finally, we need to increase our prevention programs. It was interesting to listen to the Minister of Justice stand and brag about how much they had done in that regard. The Conservatives only spent 60% of what they had allocated for prevention programs in the 2008-09 budget. My perception is that a number of the programs they chose would not be very effective.

What the Conservatives have done is treat this almost like a business. They want criteria that will fit nicely in a business organization, but has nothing to do with criteria we would need to determine whether the agency is successful in preventing crime and keeping kids in recreational programs and other programs that keep them off the street and away from drug consumption and other crime. Instead, they have set up this very rigid almost meaningless criteria of a business case that these agencies have to show in order to prove they should have money to prevent youth, in particular, from getting involved in crime.

In summary, the NDP will support this at second reading. There are a couple of questions I have on the bill that may require amendments at committee, but, at best, that would be fine-tuning. We expect to get this through committee very quickly and back to the House for third reading and passage and put the provisions that are useful into work. We will do that as rapidly as we can. Then, hopefully, we will see some additional work by the government to get at the real problems we face in the country, in B.C., in particular, give the agencies the resources they need and begin to drive down the rate of crime and in that community, the rate of murder, in particular.

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I listened with interest to my colleague. I always find him thoughtful, sincere and well-spoken and I do have the utmost personal respect for him.

I gather he can the Prime Minister's mind. That is quite a feat.

I will not bother going into some of the crises that prevented us from getting to some of those things he would like us to get to, which we are getting to now. I will point out that perception for some people equals their personal fact. Other perceptions for other people may be a diametrically opposed fact, but that is okay.

I am pleased to hear the members of the NDP will support it, that they will work with the government to perhaps make the bill better, hopefully, at committee and wherever else they can. That is welcomed.

However, I will ask him to comment on one thing. When he said we did nothing to increase the number of police officers, that is patently untrue. There is some difficulty in doing that. We cannot just go to Wal-Mart, to the police section, and pick police officers off the shelf. We have to recruit them, train them and retain them. The robust economy that we had up until recently has added an extra challenge.

Would he agree that we have made efforts in that area? We are not there yet, we have a ways to go, but perhaps an outcome of the current economy is that it may be easier now to recruit members to the RCMP, members to the municipal police forces, and we will perhaps make more progress toward our goals.

**Mr. Joe Comartin:** Mr. Speaker, I do not have any doubt that the Conservative want the additional police officers. However, I want to be very clear, because I went through those elections, too, in 2004 and 2006. In both cases, the Conservative Party was very clear it would put these additional police officers on the streets of our country and it would increase the number of RCMP officers. I do not think the Conservatives understood what that meant at the time, in terms of the points my colleague just raised, such as the length of time it take to train. We did not have, and we do not yet have a training centre in Saskatchewan that was large enough to take in the additional trainees we needed for the RCMP. It is in the process of completing that.

There are other things the Conservatives could be doing with the RCMP that would also make it attractive for people to join, one of which would be to stabilize where people are sent, as opposed to them and their families being moved all over the country, oftentimes on whims that do not make a lot of sense.

The other thing, though, that really bothered me, and still bothers me, is that throughout those elections, including in 2008, the Conservatives never said that they would spend the money, but it would have to be matched by the provincial governments for the additional police officers for municipal and provincial police forces. Any number of provinces said that they could not do it. The negotiations went on for over a year.

• (1710)

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, I congratulate my colleague for setting the record straight at the beginning of his remarks. I want to ask him an important question for Canadians who might be watching and following this debate. He was, of course, a practising lawyer at the time when the former Progressive Conservative government in Ontario was in power. He will recollect that at that time that administration also ran repeatedly on a strong so-called law and order platform.

Most Canadians now know that there is quite a gulf between the law and order rhetoric of the Conservative Party, both then provincially and now federally, and what has actually been happening here.

Does the member believe that the tone now being set by the government is connected to the fact that the five architects of the Mike Harris revolution are now either front line cabinet ministers or the chief of staff to the Prime Minister?

At the time, Mr. Harris attacked squeegee kids and, in fact, one of his cabinet ministers was caught on cameras saying that the republican tactic is to cause conflict and create the conflict for the media. Could he help us understand if there is a connection here on both sides?



*Government Orders*

**Mr. Joe Comartin:** Mr. Speaker, there is no question about the ideological orientation that flows out of the quite right-wing movement in the United States. What is interesting is that it was not copied in England by Mrs. Thatcher to any significant degree, perhaps because of a different structure in government there.

However, that right-wing approach by both the members from the Harris government and the people who are part of the Conservative government now, is very consistent ideologically. There is absolutely no question about that. The current Minister of Finance made comments that putting squeegee kids and panhandlers in jail was the simple and easy way to do it. The ideological approach is just that. It is a simplistic one. It is not in keeping with all of the knowledge that we have now. It ignores the reality that our crime rates have gone down.

One of the reasons that our crime rates spiked in Toronto in our youth was, in part, because of the number of economic cuts that were made to social programs. Those who were kids when the Harris government was in are now teenagers and young adults. Their parents and families did not have the ability to take care of them to a degree. They could not get mental health services for them. One sees that and the same pattern is going on with the government.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, my learned colleague made reference to the need for having an enforcement strategy when new laws are tabled and are about to come into force. He spoke to the need for thinking ahead for police officers in training and the need for prosecutors. In my own city of Edmonton, which, sad to say, is now fifth in order of the highest rate of gang-related incidents in Canada, we have a serious problem. It would be good to have stricter penalties but in Alberta we have a severe shortage of prosecutors.

Only a year ago, we had a mass exodus of prosecutors from both the Edmonton and Calgary criminal prosecutors offices, an exodus of a total of 56 experienced criminal prosecutors, leaving junior recruits to prosecute serious offences. Now, we are going to have even more serious offences added.

I am wondering if my hon. colleague could speak to the issue of whether or not it is good to think ahead, when one is tabling a bill, in terms of whether or not we will have the calibre of experts in place to be both investigating and prosecuting these cases.

• (1715)

**Mr. Joe Comartin:** Mr. Speaker, there is no question in my mind about the need to do that kind of planning. The government does not do it very well at all. We saw that with its bill last time on conditional sentences. That bill would have increased the population in our provincial prisons. It would have been the provinces paying for that, not the federal government.

We were going to increase the population in our provincial prisons by at least 60% across the board. It keeps adding this on. It is not providing anywhere near enough assistance for legal aid on that side and for the prosecutors on the prosecution side. I have already made my comments about the police. There is no question that it is not easy to prosecute these serious crimes and we do need very experienced prosecutors to do it. However, we clearly do not have enough in the country at this time.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I thank the hon. member for Windsor—Tecumseh for his speech and for his contribution to the justice committee. I also sit on the justice committee and I always enjoy and learn something from my friend. He is a tax lawyer, as I am, and we do not always have the same viewpoints, but I always find his contribution meaningful and insightful.

In the member's preamble, he talked about some delays that this government has allegedly encountered with respect to moving forward on its crime bill and, specifically, he commented about the actions of the justice committee in the 39th Parliament on which, I understand he was a member. I was not as I was not a member of the 39th Parliament.

The hon. member will know that committees are the authors of their own agendas, but it is my understanding that the reason the justice committee in the 39th Parliament did not study the bills that were before Parliament was its absolute insistence, the *sub judice* rule notwithstanding, to study the then litigation between two members of the House and the Liberal Party of Canada. The justice committee's preoccupation with that piece of litigation was the reason that the committee did not go forward on the justice bills.

**Mr. Joe Comartin:** Mr. Speaker, that is not true. The committee chair ruled on a motion from the Bloc or the Liberals that involved the Cadman affair. It was not in order for that ruling to be before the committee. The member is right about that.

There was then a movement by the opposition parties to overturn the chair's ruling. I made it quite clear that I was not prepared to support his ruling being overturned. Because the votes in that committee were so close, as long as he left the chair, then the committee could not function. That is what happened from early March right through to June of last year, he refused to sit in the chair. He would sometimes call meetings but that is the history of that. It was entirely his responsibility.

Although I supported his interpretation of our responsibilities and our mandate as the justice committee and I was opposed to what the Liberals and the Bloc were doing, I also felt that, based on democracy, if the committee overruled his decision he had to live with that and that he could not use procedural rules to avoid that democratic process.

**Ms. Dona Cadman (Surrey North, CPC):** Mr. Speaker, I will be splitting my time with the member for Glengarry—Prescott—Russell.

I am pleased to have this opportunity to express my strong support for Bill C-14. The bill proposes amendments to fortify the Criminal Code's responses to organized crime. Most notably, it takes direct aim at the increasing use of violence committed by organized crime.

This violence has eroded public confidence. This violence is disrupting people's lives and causing them to fear for their safety and, in the most extreme cases, this violence is costing innocent Canadians their lives.

With these amendments, we are sending the right message to Canadians and demonstrating our commitment to improving the safety and security of communities across Canada. As hon. members are now aware, this bill is focused on four separate areas.

*Government Orders*

I am pleased to hear that members of the opposition have already indicated that they intend to support this legislation. This demonstrates that they are finally appreciating the seriousness of the issue. I am extremely pleased that partisan politics has been put aside to advance this legislation quickly and in the interests of all Canadians.

The murder of another person is the most serious offence in our Criminal Code. Anyone who is found guilty of murder is sentenced to a mandatory penalty of life imprisonment. Those convicted of first degree murder are ineligible for parole for 25 years, while those convicted of second degree murder are ineligible for parole for a minimum of 10 years and up to a maximum of 25 years.

Section 231 of the Criminal Code classifies murder as either first degree or second degree. Some examples of where murder is currently classified as first degree include: murders that are planned and deliberate, such as contract killings; murders that involve specific victims, for example police officers; murders committed during offences of domination, such as sexual assault; and murders committed during the commission of explosive offences for a criminal organization.

Bill C-14 proposes to amend the classification provision pertaining to organized crime by broadening it to make all murders that can be linked to organized crime automatically first degree. The amendments focus on the link to organized crime specifically and the inherent danger that organized crime activity poses to the public. It would do this in two ways.

First, if it can be established that the murder itself was committed for the benefit of, at the direction of, or in association with a criminal organization, then it will be classified as first degree murder even in the absence of planning and deliberation.

Second, if it can be established that the murder occurred while the person was committing or attempting to commit another indictable offence for the benefit of, at the direction of, or in the association of a criminal organization, then it would be classified as first degree even in the absence of planning and deliberation.

These amendments send the right message. Canada is experiencing increasing high levels of gang violence. The rate of gang homicides in Canada has been consistently increasing over the last number of years, unlike the homicide rate, more generally, that has been decreasing.

Innocent people are losing their lives and public safety is suffering. This activity should be strongly condemned and deterred. I believe the proposed changes achieve this in no uncertain terms.

The second proposed area of reform targets another particularly serious and dangerous phenomenon. Drive-by and other similarly reckless shootings have the potential to harm, not only those who are the target of attacks but the public more broadly. These incidents are often indiscriminate and occur in the heat of the moment. They are easy to commit and difficult to prove.

Bill C-14 proposes a new offence to assist police officers investigating this conduct. This offence is aimed at those who would intentionally discharge their firearm with a reckless attitude toward the life or safety of another person. In other words, it does not focus

on any specifically intended consequences but rather targets the deliberate disregard for another person's safety.

• (1720)

There is something particularly disturbing to me about a situation in which someone specifically turns their mind to the fact that the shooting of a firearm would put the lives of others at risk, but in spite of this fact goes ahead and shoots anyway. This activity cries out for a strong response, and Bill C-14 delivers it.

This offence would be punishable by a mandatory minimum penalty of four years of imprisonment and a maximum penalty of 14 years of imprisonment.

The minimum penalty goes up to five years of imprisonment if the offence was committed for the benefit of, at the direction of, or in association with a criminal organization. In addition, repeat offenders who have used a prohibited or restricted firearm or committed the offence for organized crime would be subject to a mandatory minimum penalty of seven years of imprisonment.

I strongly support this new legislation and I believe the public supports this kind of approach as well.

The bill also responds to assaults committed against peace and public officers. Two new offences are being proposed, one of assault against peace officers causing bodily harm or involving the use of a weapon, and the other of aggravated assault against peace officers. These offences are punishable on indictment by maximum periods of imprisonment of 10 and 14 years respectively. Both "peace officer" and "public officer" are defined in the Criminal Code, and include persons such as prison guards, wardens, border guards, customs officers and, of course, police officers.

Some might ask why these separate offences are created, when existing provisions address aggravated assault or assault causing bodily harm. The answer is relatively straightforward. Assaults committed against those who are responsible for the maintenance of public peace are an affront to Canada's justice system and the rule of law, and must be specifically denounced.

That is why, in addition to creating stand-alone offences, the bill would require a court to give primary consideration to the principles of denunciation and deterrence when sentencing an offender for any of the offences involving assault against police officers, as well as in cases involving the intimidation of justice system participants, such as judges, prosecutors or jurors.

Finally, the bill is focused on strengthening the use of the gang recognizance provision, or what is commonly referred to as a peace bond. A peace bond is a crime prevention tool that is aimed at preventing future offences from occurring. These amendments would clarify that when issuing a peace bond, a judge can impose any condition that he or she feels is necessary to secure the good conduct of the defendant.

The amendments will also extend the length of the order to up to 24 months if the defendant has been previously convicted of a criminal organization offence.

These amendments would also help us address the behaviour of those suspected of engaging in organized crime behaviour and hopefully prevent this activity from occurring in the first place.

I started my speech by noting that I was happy to see that the bill enjoyed wide support. I hope the support will enable us to move the bill through Parliament and into law as quickly as possible. Canadians deserve nothing less.

• (1725)

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, first I would like to congratulate the hon. member for Surrey North for her speech and for mentioning that we should not play partisan games when it comes to bringing in legislation on crime. She is right, because crime does not have any political boundaries.

I have a question for the hon. member. In the last few days Wally Oppal, Attorney General for British Columbia, and John van Dongen, Solicitor General for British Columbia, came here and made three demands to deal with crime in British Columbia. One was on remand credits. The second one was for updated search and surveillance measures, and the third was on gathering of evidence. I would like to ask the hon. member how she feels about those three measures. Would she be supportive of those three measures to deal with that situation?

**Ms. Dona Cadman:** Mr. Speaker, this bill is just the first step and the beginning of many, I believe. There are definitely more things that have to be done, but this is the first step. This step is required to control the gangs that are out of control right now in B.C.

Gangs are destroying lives and causing communities a lot of grief. It goes from Vancouver to Montreal. It is all over the place. Gangs are running rampant, and it is time that we stopped them and made them accountable for everything they are doing.

\* \* \*

• (1730)

**CANADA-EFTA FREE TRADE AGREEMENT IMPLEMENTATION ACT**

The House resumed consideration of Bill C-2, An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation, as reported (with amendment) from the committee, and of Motion No. 1.

**The Deputy Speaker:** It being 5:30 p.m., the House will now proceed to the taking of the deferred recorded division on Motion No. 1 at report stage of Bill C-2.

Call in the members.

• (1750)

[Translation]

(The House divided on Motion No. 1, which was negatived on the following division:)

*Government Orders*

(Division No. 28)

**YEAS**

Members

- |                              |                          |
|------------------------------|--------------------------|
| Allen (Welland)              | Atamanenko               |
| Bevington                    | Charlton                 |
| Chow                         | Christopherson           |
| Comartin                     | Crowder                  |
| Cullen                       | Davies (Vancouver East)  |
| Duncan (Edmonton—Strathcona) | Godin                    |
| Gravelle                     | Hughes                   |
| Julian                       | Layton                   |
| Leslie                       | Maloway                  |
| Marston                      | Martin (Winnipeg Centre) |
| Martin (Sault Ste. Marie)    | Masse                    |
| Rafferty                     | Savoie                   |
| Siksay                       | Stoffer                  |
| Wasylcyia-Leis— 27           |                          |

**NAYS**

Members

- |   |                                    |
|---|------------------------------------|
| Abbott  | Ablonczy                           |
| Aglukkaq  | Albrecht                           |
| Allen (Tobique—Mactaquac)                           | Allison                            |
| Ambrose   | Anderson                           |
| Andrews   | Ashfield                           |
| Bagnell   | Bains                              |
| Beaudin   | Bélangier                          |
| Bennett   | Benoit                             |
| Bernier   | Bezan                              |
| Bigras  | Blackburn                          |
| Blaney  | Block                              |
| Bouchard  | Boucher                            |
| Boughen   | Braid                              |
| Breitkreuz  | Brown (Leeds—Grenville)            |
| Brown (Newmarket—Aurora)                            | Brown (Barrie)                     |
| Brunoogoe   | Brunelle                           |
| Byrne   | Cadman                             |
| Calandra  | Calkins                            |
| Cannan (Kelowna—Lake Country)                       | Canniss                            |
| Carrie  | Carrier                            |
| Casson  | Chong                              |
| Clarke  | Clement                            |
| Coady   | Coderre                            |
| Cotler  | Cuzner                             |
| D'Amours  | Davidson                           |
| Day   | DeBellefeuille                     |
| Dechert   | Del Mastro                         |
| Demers  | Desnoyers                          |
| Devolin   | Dhaliwal                           |
| Dion  | Dorion                             |
| Dreeshen  | Dufour                             |
| Duncan (Vancouver Island North)                     | Duncan (Etobicoke North)           |
| Dykstra   | Easter                             |
| Eyking  | Faille                             |
| Fast  | Finley                             |
| Fletcher  | Fry                                |
| Galipeau  | Gallant                            |
| Gameau  | Glover                             |
| Goodale   | Goodyear                           |
| Gourde  | Grewal                             |
| Guarnieri   | Guergis                            |
| Guimond (Rimouski-Neigette—Témiscouata—Les Basques) |                                    |
| Hall Findlay  | Harris (Cariboo—Prince George)     |
| Harper  | Hiebert                            |
| Hawn  | Hoback                             |
| Hill  | Holder                             |
| Hoepfner  | Jennings                           |
| Jean  | Kania                              |
| Kamp (Pitt Meadows—Maple Ridge—Mission)             | Keddy (South Shore—St. Margaret's) |
| Karygiannis   | Kent                               |
| Kenney (Calgary Southeast)                          | Komarnicki                         |
| Kerr  | Laframboise                        |
| Kramp (Prince Edward—Hastings)                      | Lauzon                             |
| Lake  | Lee                                |
| Lebel   | Lobb                               |
| Lemieux   | Lunn                               |
| Lukiwski  | MacKenzie                          |
| Lunney  | Malo                               |
| Malhi   |                                    |

*Government Orders*

Mayes	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McTeague	Ménard (Marc-Aurèle-Fortin)
Mendes	Menzies
Merrifield	Miller
Minna	Moore (Fundy Royal)
Murphy (Charlottetown)	Murray
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Oliphant	Pacetti
Paquette	Paradis
Patry	Payne
Pearson	Petit
Poillievre	Prentice
Preston	Proulx
Raitt	Rajotte
Rathgeber	Regan
Reid	Richards
Richardson	Rickford
Rodriguez	Russell
Saxton	Scarpaleggia
Scheer	Schellenberger
Shea	Shiely
Silva	Simms
Simson	Smith
Sorenson	St-Cyr
Stanton	Storseth
Strahl	Sweet
Szabo	Thompson
Tilson	Toews
Trost	Trudeau
Tweed	Uppal
Valeriot	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Wrzesnewskyj
Yelich	Young
Zarac — 201	

## PAIRED

Nil

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

• (1755)

[English]

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC)** moved that the bill be concurred in.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**Hon. Gordon O'Connor:** Mr. Speaker, I believe if you seek it you would find agreement to apply the vote on the previous motion

to the motion currently before the House, with the Conservatives voting yes.

**The Speaker:** Is there unanimous consent to proceed in this way?

**Some hon. members:** Agreed.

**Mr. Rodger Cuzner:** Mr. Speaker, the Liberal Party will be voting in favour.

[Translation]

**Mrs. Claude DeBellefeuille:** Mr. Speaker, the members of the Bloc are in favour of the motion.

**Mr. Yvon Godin:** Mr. Speaker, the NDP members are very pleased to vote against this motion.

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

(Division No. 29)

## YEAS

## Members

Abbott	Albonezy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anderson
Andrews	Ashfield
Bagnell	Bains
Beaudin	Bélanger
Bennett	Benoit
Bernier	Bezan
Bigras	Blackburn
Blaney	Block
Bouchard	Boucher
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Brunelle
Byrne	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannis
Carrie	Carrier
Casson	Chong
Clarke	Clement
Coady	Coderre
Cotler	Cuzner
D'Amours	Davidson
Day	DeBellefeuille
Dechert	Del Mastro
Demers	Desnoyers
Devolin	Dhaliwal
Dion	Dorion
Dreeshen	Dufour
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Faillie
Fast	Finley
Fletcher	Fry
Galipeau	Gallant
Garneau	Glover
Goodale	Goodyear
Gourde	Grewal
Guarnieri	Guergis
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Hall Findlay	
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hill	Hoback
Hoepfner	Holder
Jean	Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kania
Karygiannis	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Laframboise
Lake	Lauzon
Lebel	Lee

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**[*Translation*]**IMMIGRATION AND REFUGEE PROTECTION ACT**

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ)** moved that Bill C-291, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171) be read the second time and referred to a committee.

He said: Mr. Speaker, it is an honour for me to begin this debate today on Bill C-291, which I tabled in this House a little earlier in this session and which proposes to establish the refugee appeal division. It would be useful to start with a short history to indicate the need for and the pertinence of this bill.

In 2002, this Parliament adopted the Immigration and Refugee Protection Act (IRPA). Before this act was adopted, two board members examined refugee claims. Approval by one of the two members was sufficient to grant refugee status. When the IRPA was adopted, this Parliament decided to reduce the number of members examining refugee claims from two to one. However, in their wisdom, parliamentarians decided to provide for an appeal section. Although included in the legislation, it has never been implemented because the successive Liberal and Conservative governments have never issued the cabinet orders required to bring it into force.

The purpose of the bill before us today is simply to respect the will of Parliament and begin that process. It is important that this appeal section be established for three basic reasons: first, it will prevent arbitrary decisions in refugee status cases; second, it will ensure that decisions made by members are consistent; third, it will prevent decisions from being too costly and ensure that the cost of the system for handling these applications is not too high, as I will explain later in my presentation.

Let us start at the beginning, with the issue of arbitrary decisions. There are quite a few board members at the Immigration and Refugee Board of Canada (IRB), many of whom are undoubtedly competent. However, the problem is that many of these people are not well-suited to this work.

I will give a very topical example, one that I revealed in the House this week and for which the minister had a chance to defend himself—the case of Pharès Pierre. This board member, appointed by the current minister, has a very questionable past. He was the chief of staff to former Prime Minister of Haiti, Jean-Bertrand Aristide. That controversial regime committed atrocities and was complicit in major crimes.

Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacKenzie
Malhi	Malo
Mayes	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McTeague	Ménard (Marc-Aurèle-Fortin)
Mendes	Menzies
Merrifield	Miller
Minna	Moore (Fundy Royal)
Murphy (Charlottetown)	Murray
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Oliphant	Pacetti
Paquette	Paradis
Patry	Payne
Pearson	Petit
Poilievre	Prentice
Preston	Proulx
Raitt	Rajotte
Rathgeber	Regan
Reid	Richards
Richardson	Rickford
Rodriguez	Russell
Saxton	Scarpaleggia
Scheer	Schellenberger
Shea	Shipley
Silva	Simms
Simson	Smith
Sorenson	St-Cyr
Stanton	Storseth
Strahl	Sweet
Szabo	Thompson
Tilson	Toews
Trost	Trudeau
Tweed	Uppal
Valeriotte	Van Kesteren
Van Loan	Vellacott
Verner	Vincent
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Wrzesnewskij
Yelich	Young
Zarac — 201	

**NAYS**

## Members

Allen (Welland)	Atamanenko
Bevington	Charlton
Chow	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver East)
Duncan (Edmonton—Strathcona)	Godin
Gravelle	Hughes
Julian	Layton
Leslie	Maloway
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Rafferty	Savoie
Siksay	Stoffer
Wasylycia-Leis — 27	

**PAIRED**

Nil

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

[*English*]

It being 5:56 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

*Private Members' Business*

Some people were only underlings within this regime. Police officers and civil servants have been refused the right to ask for asylum in Canada because they worked for the regime. Yet we learn that this board member was at the top of the pyramid. And, from now on, he will be the one to receive and study refugee requests coming from everywhere, including Haiti. We would all agree that there is an obvious ethical issue there. Some of the people claiming refugee status, who say they were persecuted by the Aristide regime, will find themselves being judged by a person who was at the top of this regime. That makes no sense.

This candidate managed to slip through all the cracks in security.

● (1800)

The IRB selected him. Then he underwent Privy Council security checks—the Privy Council being the Prime Minister's Office, which looked into the matter and declared that there was no security problem. These are, of course, the same people who investigated the Couillard affair. Then the minister appointed him. When I asked the minister in the House why he appointed that individual, he candidly admitted that the man was obviously not the right guy for the job. Yes, he has a B.A. in mathematics, and I have a lot of respect for people who have a B.A. in mathematics, but that does not mean they have the skills it takes to be commissioners any more than if they have a minor in administration or are on the board of the Lions Club of Saint-Jean-sur-Richelieu. Not by any stretch of the imagination.

This appointment is glaringly partisan, because Pharès Pierre was the vice-president of the Conservative riding association in Saint-Jean and vice-president of the Quebec wing of the Conservative Party. This is clearly unacceptable. He managed to slip through the net and become a commissioner. Now he is the one who will be making extremely important decisions that could have life-or-death consequences for people. This is the person who will be making these decisions. It makes no sense.

And then there is Laurier Thibault, who handled Abdelkader Belaoui's case. Mr. Belaoui, who lives in my riding, is an Algerian refugee who, despite being blind, wants to get involved in the community. At the time Mr. Belaoui appeared before him, this judge, this commissioner, Laurier Thibault, was rejecting 98% of the cases he dealt with. Imagine appearing before a judge who finds 98% of the people he tries guilty. Would anyone think that justice was being done? Surely not.

There is an obvious problem here: some commissioners do not have what it takes to do the job. We need an appeals division to overturn these decisions. Even if they were all very competent, we would still have a natural justice issue on our hands. Even though we have very competent judges in our other courts, we still have an appeals division. Why do citizens and permanent residents have access to appeals in the regular system, but refugees do not?

In the past, the Liberals have often told us that appeals to superior courts and judicial reviews were possible. However, these are not appeals on the merits; they are simply appeals based on technicalities or for procedural reasons. However, if the IRB member followed all procedures, but simply does not believe the refugee claimant's version, the claimant has no opportunity to appeal.

The second reason I gave was the lack of consistency in the decisions. When there is no appeal division, each IRB member can decide one way or the other. As all immigration lawyers will agree, this makes it impossible to tell someone whether they are eligible or not by simply looking at their file. In the end, the decision will depend on which member of the IRB gets assigned to the file. We sometimes refer to this as “the board member lottery” and it is inconceivable that people's lives are being decided on so arbitrarily. With a real appeal division in place, board members will have case law that they can refer to when deciding a case, in order to ensure greater consistency.

Lastly, I think we could even save money in our justice system, since the appeal division, as it is defined in the legislation, is an administrative tribunal. But since this administrative tribunal does not yet exist, claimants who have been refused by the board tend to avail themselves of all kinds of procedures before superior courts to try to obtain justice. In the end, this is more expensive for the system, since those proceedings tend to be much more costly.

In my opinion, it is important to move forward on this. In committee this week, the minister told me he was afraid that, among other things, the possibility of appeal would snowball and the appeals would drag on forever.

● (1805)

I invite the Conservatives to support the principle of my bill and to send it to a committee that will determine if measures can be implemented to prevent this from happening. We cannot wait for the entire system to be reformed before taking action. Critical decisions are being made about people. I therefore invite all members to support this bill.

It is a matter of respect for the Parliament that voted for a law. Although seven years have passed, this measure should be implemented. It is a matter of natural justice. It is the way things are done in all western democracies. Every judicial system provides for appeals in order to eliminate arbitrary decisions, which do occur at present, and also to preserve the honour of Quebecers and Canadians by respecting the dignity of those human beings who seek refuge in our country.

I would like to close on a more poetic note in this House by quoting Gilles Vigneault, a great Quebec singer. I am sorry, but I will not be singing. I would just like to read his lyrics for all my colleagues:

About my solitary country  
I cry out before I am silenced  
To everyone on earth  
My house is your house  
Inside my four walls of ice  
I take my time and my space  
To prepare the fire, the place  
For the people of the horizon  
And the people are of my race

•(1810)

[English]

**Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, I want to thank my hon. colleague for his speech and certainly the work that he is doing on the immigration and citizenship committee. Regardless of political stripe, we on occasion have been able to find some common ground and have been working quite well in the early days of this 40th Parliament.

I do want to thank the hon. member for not singing in the House of Commons. I certainly do not mind him speaking once in awhile, but the last thing I would really want is to hear him sing a tune here in the House of Commons.

Off the top, I want to state that our government's position on Bill C-291 has not changed from that in the 39th Parliament. In fact, we will be opposing the bill, because this bill seeks to establish the refugee appeal division.

There is no question that we strongly support an effective refugee status determination system, but as the Minister of Citizenship and Immigration said yesterday, he was delighted to hear the interest of the member who asked a question on this topic and was hopeful that we could all work together to create a more efficient and effective refugee determination system.

The government opposes this legislation because it is neither necessary in the current system nor is it efficient. It would add considerable delays and costs, both in the start-up and operating costs as well as the prolonged costs for services provided to failed refugees waiting for their fourth level of appeal, which would be this appeal division.

The cost of implementing the refugee appeal division would be in the range of \$15 million to \$25 million annually in new operating costs, about the same amount in social services costs paid by both the provincial and federal governments for refugees, not to mention start-up costs of approximately \$10 million.

It would also add five months to the decision-making process. Provinces such as Ontario, British Columbia and even Quebec would be disproportionately affected by this.

Canadians have a right to be proud of our humanitarian tradition, no question, and as the member for Eglinton—Lawrence, a former Liberal minister of citizenship and immigration, said last June before the human rights committee in the other place:

—[T]he people that I consulted, those from the United Nations responsible for refugees, liked to think of Canada as the premier example of a system for refugee determination that underscored fairness and product.

The member concluded that the current system is fair, that there is no need for another appeal process, as four steps already exist in this decision-making process.

As the member for Eglinton—Lawrence put in his own words:

—I said I would not implement it. Of course, we got into an election so I could not change my mind. When Bill C-280 came forward, I did not see any compelling arguments to make me change my mind.

If a former Liberal citizenship and immigration minister is willing to publicly speak against the bill, which has not been substantively

### *Private Members' Business*

changed since its previous incarnation as Bill C-280, then I have to ask all of my Liberal colleagues across the floor why they would not listen to one of their colleagues and also oppose this bill.

There is a full range of recourses offered by the refugee determination system as a whole. Our refugee determination system is based on a strong, independent, first level decision-making process at the Immigration and Refugee Board.

Rejected applicants can then seek leave for a judicial review at the Federal Court, another form of appeal, if you will. If both the IRB and the Federal Court turn down the applicant's claim, he or she is still entitled to a pre-removal risk assessment before leaving and can also apply for permanent residence on humanitarian or compassionate grounds.

The addition of the refugee appeal division would only add a further level of review to an already comprehensive refugee determination system. Successful refugee applications can take an average of two and a half years to reach permanent residence status. Negative applications can take over five years, and in some cases much longer than that, before an individual has exhausted all avenues of appeal.

We changed the selection process to make it more open and more accountable. This is a great improvement over the years of Liberal patronage to their political friends, appointments such as Mr. Mouammar, who had an acceptance rate double that of the IRB average at that time, which rose to virtually 100% in some cases if one was from the Middle East.

•(1815)

Last year there were 40 Governor in Council appointments and 24 reappointments. With the minister's announcement on March 10, 2009, of two appointments and five reappointments, and his previous announcement of 25 appointments and 3 reappointments in 2009, the board now stands at close to 90% of its full complement. With fewer vacancies on the IRB, genuine refugee claims will be processed and finalized faster, while frivolous asylum applications will be dismissed much more quickly.

Canadians expect their refugee system to help and protect legitimate refugees. As the minister said yesterday in the House, "last year we received 38,000 inland refugee claimants, about 60% of whose applications were rejected by the IRB".

There are individuals taking advantage of our compassionate nature and seeking refugee status on dishonest grounds. They know the significant length of time that this process affords them. We must fix this.

It is not an uncommon tactic to make a false refugee claim to allow the individual to attempt to make enough connections within the community so that they are able to bolster their humanitarian and compassionate grounds case. This is a fundamental problem that this bill simply does not address. In fact, it would legitimately add to the incentive to make fraudulent applications, as the time before deportation would be extended by at least five months.

In 2008, 34,800 refugee claims were referred to the Immigration and Refugee Board, as compared to 27,912 claims in 2007. This represents an almost 25% increase in refugee claims.

*Private Members' Business*

Last year, the former minister of citizenship and immigration, the member for Haldimand—Norfolk, shared her concerns at the Senate Standing Committee on Human Rights. She noted the number of refugee claims in Canada was increasing at a rate higher than in almost every other country. She reported that a majority of claimants were found not to be in need of protection. Only 43% of claims finalized by the Immigration and Refugee Board were accepted in 2007 and the acceptance rate dropped to 42% last year.

There are those who would like to take advantage of our generosity in this country and take a place away from those who are genuinely in need of our protection and their own. There are those who come to Canada from countries, such as Mexico, that are not typically seen to produce refugees. Mexico is the largest source country of refugees, with approximately 8,000 individual claims in 2008. Only 10% are successful in their application for status. Very valuable resources are being increasingly diverted from those who need our help to those who are found not to be genuine refugees.

If this bill is implemented, failed refugee claimants will be the ones filing for secondary appeals. It is impossible to predict the number of appeals that could be made every year because each refugee claim is assessed individually. On average, it takes three days to determine an eligibility claim but it takes about 17 months from the date a claim is referred to the IRB to an initial decision rendered by the IRB.

Leave applications for judicial review of the IRB decision can take about four months. If that leave is granted, it can take approximately a year or more to decide the appeal. A pre-removal risk assessment takes about nine months. An application made on humanitarian and compassionate grounds can take an additional 21 months.

A claimant has a right to seek judicial review of negative pre-removal risk assessment and decisions made on humanitarian and compassionate grounds. It adds up. It can take up to five years for almost all of these cases to be handled through the process and up to ten years in some cases. The hon. member's bill would extend that by at least another five months.

We need to consider that almost 35,000 refugee claims were made to the IRB last year. Adding another layer to the current refugee status determination process would not only further paralyze our system, it would erode its very integrity. The Refugee Appeal Division would conduct only a paper review of the evidence presented at the original hearing, it would not allow for the introduction of new evidence or an in-person hearing.

• (1820)

We have monitored the impact of delaying implementation of the Refugee Appeal Division. We have consistently found that even without this fourth layer of review, the current system already provides protection to those who need it.

The implementation of an appeal would be possibly only if the current system could be streamlined to avoid access to multiple and overlapping recourses. Therefore, I urge all hon. members to support Bill C-291.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I am pleased to speak to the bill today in the House.

As most of our attention has been focused on the budget implementation plan, as it should be, we must not lose sight of the one area in the legislation that will ensure the long term economic goals we all have for this country, and that is the area of immigration.

Our economic survival will be nothing without the one resource that can transform Canada into a knowledge-based economy, and that resource is its people, the brightest, the best and, in the case of refugees, perhaps some of the most courteous and resourceful new Canadians we could ever have.

Most truly modern economies around the world understand that countries can no longer be gatekeepers at their borders, presuming that those who come in are somehow at the whim or the mercy of a government that deals with applications at a painfully slow pace, such as our present government.

We know that we must aggressively market our country and compete for a booming supply of skilled labour and knowledge workers around the world. We know that those who come here as refugees are the main actors and the authors of some of the greatest success stories in this country.

From gatekeepers to competitors in an international market, this is the reality but it is a reality that the government has yet to understand. The facts are there for all to see. Immigration from China is down 36% since the Conservatives came to power. Immigration from India is down 22% since the Conservatives came to power. Those countries are the two biggest markets for highly skilled, highly educated knowledge workers. The government has botched the file and let us lag behind the world in building the economy for the 21st century.

While I view the bill as having some glaring problems, I also know that we cannot keep up this painfully slow pace of immigration reform. More to the point, we need to move faster on the Refugee Appeal Division of the Immigration and Refugee Board.

I welcome the fact that at least we have something to work with at last but we need to take a very close look at all the fine print, we need a substantial review and we will, no doubt, need to make significant changes in the committee.

For all the talk that has come from the government in the last three years about caring about progressive reform, the reality is a very different thing. The reality is that the backlog of refugee claims has more than doubled since the Conservatives took office. It has more than doubled in three short years. It makes one think that they have the same management experts working in immigration as the ones who have so disastrously managed our economy.

The reality also is that the number of finalized claims has decreased by 50% under the Conservatives. Therefore, they essentially worked half as hard while they let the workload doubled. If we were running a business so inefficiently, we would wonder how we let this happen.



*Private Members' Business*

I can remember not too long ago when the government tried to claim that it knew how a business worked and that it knew what it was doing with the economy. Last year, when the real GDP growth was negative for two quarters, the only area that showed promise was the government, because it shovelled more than \$300 million into increased spending for services.

The Prime Minister was essentially trying to create a better economic picture by throwing money at government programs. However, that is not the worst of it. That money only maintained levels of resources and services at best from department to department. For all its talk of tax breaks for Canadians, as we know, the government played fast and loose with numbers and blew our reserve fund completely, with nothing to show for it but the mess we are in now.

•(1825)

In the case of the processing of refugee claims, the government has actually increased the processing times to an average of 14 months and the average cost per claim has increased to almost \$2,000. That is good money being thrown after bad service, but this is all part of the fundamental disconnect the government has between talk and action.

The government can talk a good game. It can claim that it is letting more newcomers into this country than ever before but when we see the real numbers, they show that the government slashed the number of permanent residents coming to our country by more than 50,000 in just a short two years.

The government says that it will address backlogs but, as I said, the backlog has doubled. The backlog remains at troubling levels for all applicants. Actually, nothing has been done in three years. Nothing except that the Prime Minister tried to use backlogs as an excuse to reject whole categories of immigration applications. This is like saying, "I know we have done nothing but if you give me power", power that should never be centralized and used for political gain, "I can fix it".

Would we let the guy who crashed our car look under the hood to fix it? I will not. Does the government actually expect Canadians to reward incompetence? I do not think so.

I am only compelled to move this dialogue forward because the Immigration and Refugee Protection Act must have a comprehensive review in order to modernize it for the new realities, economic, social and geopolitical, that Canada now faces. However, we must ensure that every word is held to account in committee and that the necessary changes must be a part of any legislation going forward. There is no other way. There is no blank cheque, no sweeping powers and no new authority that can be proposed under the radar, as the government so frequently attempts to do.

A responsible government would provide more resources for application processing. It would provide more resources for immigration settlement. It would address the backlog of refugee claims rather than let them increase 100%.

However, until Canadians can truly get a government they deserve and rightfully expect, we must take what we have by way of proposed legislation and demand accountability or reject it otherwise.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, I stand to support this private member's bill. It is long overdue that Canada have a refugee appeal division. Parliament has debated this issue several times, as has the Senate. Parliament has approved and said several times that we must implement a refugee appeal division, yet no action has been taken.

Let me tell members why we should not have refugees' lives determined by one single person. A refugee board member could send someone back to face persecution, torture or even death. We used to have board members, and the panel would make decisions. In the 1980s, it was three members. Then it was narrowed down to two members. In 2002, it became one member.

When the decision was made in 2002 that it would be one member, there was a promise that there would be an appeal process, but the former Liberal government never actually made that a reality.

The problem with having one person decide the fate of refugees is that some people have biases. Even just recently the minister appointed people, it seems to me, based on their Conservative membership, whether they were active in the party or not. We had failed candidates known to have homophobic points of view appointed to the Immigration and Refugee Board. We had an appointee with a shady past in terms of that person's ties to a government that has been known to have human rights violations. Yet these are the group of people from whom one person would make the decision on the life and death of refugees.

The Canadian Council for Refugees has documented different examples of how decisions are made in a very inconsistent manner. In one case, there were two Palestinian brothers who had the same basis for their refugee claim, yet one was accepted and the other one was refused. The refused brother was deported. They were identical cases.

In another example, a person came from Iran. She had been arrested and detained for two months in Iran. Canada's refugee board concluded that this person, called Ms. Q, was not credible because of inconsistencies and gaps in her evidence.

Ms. Q told the board that she had scars on her body from the torture. Her testimony was rejected because she had not provided a medical report.

The psychologist who saw her said she was suffering from post-traumatic stress disorder and depression, which is why her submission was not as consistent as it could be. The doctor discovered that she had a depression in her skull consistent with a blow from a blunt instrument, and the psychologist found that she had been tortured and that if she were deported to Iran she would be in serious trouble. Even though there is expert evidence that she was severely tortured, this woman is facing imminent risk of removal from Canada.

There are two other examples. One is a gay man from Nicaragua who was deemed not to be gay enough and was turned down. Another woman, a lesbian from Ghana, even though she was tied to a pole, humiliated and spat upon, was also denied.

*Private Members' Business*

● (1830)

A refugee from Mexico came here. His mother and sister had been raped. Soldiers then tortured his father. He himself had his hands tied behind his back and was hit in the stomach. A hood was put over his head. He was questioned about where his uncle was hiding. They stripped him and cut him near his genitals with a knife. They then tied his testicles and yanked them while they continued to torture and question him. Lastly, they dipped his head in a tub filled with excrement in an attempt to obtain information they wanted.

These are the kinds of people we deny, because some members turn down 80% of the refugee claimants in front of them. Another member would approve 80%. As has been reported recently in the news, 80% of refugee claims that came before one board member were approved. So where is the consistency in terms of this board?

Remember, this board is made up of political appointees, and people have personal biases. When there is no appeal process, what one sees is real inconsistency in decision-making, yet we are talking about people's life and death.

Canada is one of the very few countries in the world that fails to give refugee claimants an appeal on their merits. UNHCR, which is the United Nations High Commissioner for Refugees, Amnesty International, the Inter-American Commission on Human Rights and the Canadian Bar Association have all said that Canada must have a refugee appeal division. Yet, over and over again, that has not taken place.

Ministers have repeatedly said that one could apply to a court to get leave. However, going to Federal Court is extremely expensive. It is expensive for the applicants and for the Canadian taxpayers. One must first receive leave or permission from the court. Nine out of 10 applications for leave are refused by the court and there is really no reason given. If we had an appeal division, most of these cases would not land in the Federal Court, which means that taxpayers would in fact save money. The Federal Court is really not set up to specialize in refugees cases anyway.

Refugee claimants may apply for a pre-removal risk assessment, but this is not a mechanism for correcting errors in the initial refugee determination. Pre-removal risk assessment applicants can only raise new evidence, not argue that the initial decision by the Immigration and Refugee Board was wrong. As a result, only 3% of those applications have been approved. Those who apply for humanitarian and compassionate grounds get deported anyway while their applications are being considered, so that is really not a route to go.

For all those reasons, it is quite unfortunate that Canada, even though condemned by many international organizations, continues to ignore the rights of refugees and continues to waste taxpayers' money with a lot of cases stuck in Federal Court. We continue to have a huge backlog and continue to make mistakes and occasionally send refugees back to their home countries where they face torture, persecution, much suffering, and sometimes even death. There is certainly documentation of that.

● (1835)

I urge this House to quickly approve this private member's bill, have it fast-tracked—

**The Deputy Speaker:** Resuming debate.

The hon. member for Oak Ridges—Markham.

● (1840)

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Speaker, I am delighted to rise today to speak about this bill. I am new to this House, as you know, and new to the immigration committee. I have found many interjections in committee by the hon. member presenting this bill to be thoughtful.

In particular, on this motion that we are debating today, there is so much more that goes into an immigration system. Having had the opportunity to work for many years at the provincial level dealing with a whole range of issues and representing a riding, working for a member who represented a riding where a number of the hostels that housed refugee claimants were located, I can say there are a number of problems in the current system, not the least of which is the length of time it takes for us to actually deal with refugee claimants in the system.

I can give many examples, from the former riding of Scarborough East where I worked, of people who had claimed refugee status and who had been in front of the board and in the system for years, and of the difficulties that placed on the community I was from at the time, the difficulties placed on the schools, the difficulties placed on the social services.

We've all heard of instances. I received emails not long ago with respect to a case of an individual who had been in the country, whose refugee claim was refused by the IRB, and some 15 years later was still resident in Canada. We had not been able to deal with him.

There are number of things that we can do and that we must do as a government to ensure that our immigration system truly represents what it is meant to represent.

I am a child of immigrants. My parents came to this country, immigrating here from Italy in the 1960s. They were very hard-working people, as were many of the Italian immigrants at the time, as are many of the people who do come to this country.

What they want, what all immigrants want, what most Canadians want is an immigration system that is fair, that treats everybody equally, that does not reward people who seek to jump the queue, that does not reward people who take advantage of Canada's generosity, its kindness, and the types of services that we have here.

I would also like to point out that as a government we are coming through a time when the immigration system under the previous Liberal government was hurt badly by inaction. We had a waiting list that approached one million people.

We have taken action on that front to address that. We are moving people through the system faster. We are making sure that the right kind of people are coming to Canada. We are working with the provinces and with our municipal partners to make sure that the people who come to this country have access to the types of jobs for which we need workers, so that they can benefit from Canadian society the moment they come to Canada. These are the types of things that the people in my riding are asking of their government.

*Private Members' Business*

I am also blessed that Oak Ridges—Markham is an extraordinarily diverse riding made up of people from all over the world.

In the last number of years we have had a significant immigration from Sri Lanka. These are people who have come here with very little but in a very short period of time have contributed to our community in so many ways. They are successful business people, teachers, doctors and lawyers.

We have an enormous Chinese community, where 10 or 15 years ago that was not the case in my riding of Oak Ridges—Markham.

We are doing what we need to do as a government to make the immigration system responsible so that Canadians can again have the confidence that the government and the systems that support government, in particular the immigration system, are reflecting their values.

• (1845)

On this bill in particular I would like to reiterate the government's opposition to Bill C-291, which seeks to establish the refugee appeal division. We support strong and effective protection for genuine refugees, but this bill simply does not do that. I believe this bill, if passed, will increase the motivation for those who seek to defraud the system.

Again, I reiterate that we all know of instances of individuals who do not deserve to be in this country and who are still here five, six, seven, ten and even fifteen years later. We all know these people do not deserve to be here, but are taking advantage of Canada's generosity, thereby hurting all those who would seek to come to Canada legally and who do the right things. It hurts all of those who genuinely need Canada's protection.

Individuals whose claims now are rejected have access to judicial review in Federal Court. They may also have access to other means of regularizing their status in Canada, including pre-removal risk assessment and application for permanent residence on humanitarian and compassionate needs.

Canadians expect their refugee system to help protect legitimate refugees. Unfortunately, as experience has shown and as was mentioned earlier, many refugee claimants are found to not be legitimate refugees. Fewer than half of the refugee claimants, just 42%, are found by the IRB to be in need of Canada's protection.

As I mentioned, it can take a very long time to remove failed refugee claimants from Canada. I cannot stress this enough. These are individuals who are taking advantage of Canada's generosity and are thereby making it even more difficult for legitimate refugees to find their way into Canadian society more quickly.

As the Auditor General has noted, the longer failed refugee claimants remain in Canada, the more likely it will be that they will stay here permanently, often illegally. Our current system already has multiple recourses, including an application for leave to the Federal Court for judicial review of a decision. This proposal would add yet another unnecessary level of review to an existing system without providing significant additional safeguards for applicants.

I say "unnecessary" because of the weakness of a paper-based appeal that only considers existing evidence. In fact, under the

proposed legislation, the refugee appeal division would provide only a paper review of decisions made by the refugee protection division of the IRB. A paper review would not provide the opportunity for a new in-person hearing. That means there would be no oral appeal.

Let us be clear. What would happen is the appeal division would simply take the information that was presented to it already, information that a decision was already made on. It would review that paperwork and make yet another decision, thereby delaying a decision for another four, five, six or seven months.

The review would also, as I said, be based on exactly the same information. No new evidence would be presented in assessing the individual refugee's case. In addition, the division would not provide failed claimants the chance to introduce new evidence on circumstances that have changed since the initial decision was made on the case. The current pre-removal risk assessment process does this. It provides claimants with a final opportunity before removal to present evidence and have it assessed.

Bill C-291 would not address the pressure related to raising asylum claims. It would also not address the ability of failed claimants, through a series of dilatory appeals, to rely on Canadian taxpayers for health care and social assistance.

Once established, it would result in tens of millions of dollars in additional annual cost to the federal, provincial, territorial and municipal governments. It would cost the federal government and our provincial and territorial partners additional resources, as asylum-seekers would continue to access a range of services, including interim health benefits and social assistance.

Canadians would be right to question whether yet another layer of process and another layer of cost would make the system better. The implementation of an appeal would only be possible in a streamlined and simplified system.

In conclusion, my colleagues opposite are very well aware of the government's opposition to Bill C-291, and our position has not changed.

• (1850)

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, thank you for your generosity and for waiting until I got over my coughing spell.

It is obvious that I am pleased to rise in this House to again debate Bill C-291. But I feel a bit like I am acting in the film *Groundhog Day*. This is about the 300th time I have spoken about the same things in this House in connection with the same bill, even though its number was different last year.

This bill, which my colleague has totally reworked with the recommendations of the previous Minister of Citizenship, Immigration and Multiculturalism, responds to all the minister's requirements. I cannot understand why the government does not want to pass it, after it has been passed by the Senate. That is absolutely incomprehensible.

I am absolutely dumbfounded, so I do not see what more I could say to convince the hon. members.

*Routine Proceedings**[English]*

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I have listened in the lobby and in the House to a lot of points that have been brought up for the bill.

It is an interesting bill. Yes, it has been around for a number of years, but really, I think there is a limited amount of good that the bill will actually do for refugees.

Canada has an extremely fair system already. Right now it potentially takes years and years for somebody to go through that process.

As has been pointed out, a very high percentage of refugee claimants in Canada are not legitimate. They arrive in Canada under false pretences and get off the airplane, having flushed their documents down the toilet in the airplane. It is obviously a shame when that happens, because those people do not deserve to come to Canada. As well, they get in the way of those who are using the system legitimately and honestly and who are coming to Canada for all the things Canada has to offer.

Clearly, a country like Canada will be a target for people who want to come here for legitimate reasons. The legal system we have, as it is designed, is probably one of the best immigration systems in the world in terms of the fairness of the process. For those using it, it takes a long time to get through that process. One of the biggest reasons is that people illegitimately abuse Canada's good nature, abuse the good nature of Canadians and abuse the open and very liberal system we have in this country.

The government strongly supports an effective refugee status determination system. There are a number of aspects to that. The immigration appeal board is one of them. The member who proposed the bill has concerns about the people on that board, about how they function and about their qualifications.

Clearly, we want to have people who are qualified on that board, but that does not mean that they necessarily have to have specific experience in the immigration system. It could be helpful, but on that board we really need people who have some common sense, people who have some life experience, people who know how to deal with people, people who have a sense of fairness and fair play, people who care about what is happening to Canada over their lifetime and the lifetime of their children.

They want the people who are ultimately here to become Canadian, to share in the Canadian dream and all that Canada has to offer, and to be the right kind of people. They do not want them to be people who cheat the system, people who jump the queue for whatever reason and by whatever method, but people who will be good Canadians, people who will obey our laws and take part in society and the economy.

We do want an effective refugee status determination system, but we do oppose this legislation because it is not necessary and would add considerable cost and delays. Some of those points have already been addressed by speakers before me, on this side of the House at least.

The cost of implementing a refugee appeals division would be in the tens of millions of dollars in ongoing costs to the federal and provincial governments.

Right now we have people who are abusing the system to the point that they are staying in Canada for years and years, sometimes for three, five, ten years or longer. Once we get them here, we have a hard time getting rid of them, and that again goes against the sense of fairness we should have in Canada for dealing with people who legitimately want to come to this country for all the right reasons, because it holds those people back unfairly.

The whole appeal process would add at least five months to the determination process. From what we know about the way the system works, it would probably add a lot more than that.

I, like other members of Parliament, deal with a lot of constituents who come with problems. About 90% of the situations I deal with are immigration-related.

Am I out of time, Mr. Speaker?

● (1855)

**The Deputy Speaker:** The hon. member still has six minutes left in his time slot, but the time provided for the consideration of private member's business has now expired. The next time this bill comes before the House, he will have six minutes left.

The order is now dropped to the bottom of the order of precedence on the order paper.

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## ROUTINE PROCEEDINGS

*[English]*

### COMMITTEES OF THE HOUSE

#### STATUS OF WOMEN

The House resumed from February 26 consideration of the motion.

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I want to begin by thanking my colleague, the member for Laval, for her initiative in introducing this motion.

This very important discussion that we are having began on February 26. It is based on a status of women report pertaining to the very serious situation of violence against women in Canada today.

An NDP colleague of mine, a former member for Vancouver East rose in the House I think some 15 years ago to comment on domestic violence and that one in every seven women in our society was facing assault in the home. At that time that news was greeted with guffaws, chuckles and joking in this chamber. It was a national disgrace.

I am not suggesting that we have not moved beyond that. In fact, we learned a great deal from that reaction to such an important statistic. However, I am here to say that for every initiative that is taken, for every step forward we seem to be taking two steps back.

*Routine Proceedings*

On this very day that we talk about violence against women it is absolutely unacceptable and reprehensible that we have a government in place that is in rolling back the clock on women's equality. This is the very time that Parliament should be standing at the head of the line pushing as hard as possible for equality in every aspect of political, economic, social and cultural life in this country. It is rather disheartening to rise in the House today to talk about violence against women and hope that the government will respond to our concerns when it has simply rolled back the clock on equal pay for work of equal value.

Some would suggest that violence can be defined broadly. It is not simply physical violence against women; it is psychological, it is social, it is emotional. I think the women of this country will say in unison that the government has imposed psychological and emotional violence against women by way of its backwards, negative and regrettable step of denying pay equity in this country. We know we have a serious problem on our hands when we have a government that can actually introduce legislation when it has the Liberals over a barrel, that denies the right of women to take a pay equity case to the Human Rights Commission. We do not have a government that actually listens to the needs of women and pursues without bias and ideological impediment the full equality of women.

The situation is more serious than ever when it comes to violence against women. This week, March 9 to 13, has been declared Sexual Exploitation Awareness Week. The week has been set aside because of the increasing incidence of sexual exploitation among children, teenagers and adults across the country. It comes at a time when there are more cases than ever of missing children. Child Find Manitoba will testify to that; in fact, it will remind us of the number of cases especially where there still are no leads, no clear indication of where these children have gone and what has happened to them, who took advantage of them.

In fact right now in Manitoba, there are 11 long-term cases of missing young people. Of those cases, eight are aboriginal children, including Sunshine Wood, who has been missing for five years as of February 2009. Over the past six months, there have been five new cases that are considered long term.

● (1900)

The situation is not getting any better. Parliament needs to think about what role it has when it comes to violence as it pertains to young children, teenagers and women in Canada.

Child Find is doing its job by trying to point out the connection between exploitation of children and the root causes of the horrible incidence in our society. Child Find issued a poster not too long ago that uses a very graphic description. The poster is part of the Stop Sex with Kids campaign. It reads, "Dear diary, last night I was so hungry that guy did what he wanted with me... I needed to eat". Then it has a description over the face of a woman which reads, "Why doesn't anyone see me?"

Today we are trying to make these cases less invisible. We are trying to confront the realities of so many children, teenagers, and women in our society today. In Winnipeg, Manitoba there is a very active group of citizens, women in particular. They are working day in and day out trying to organize to stop the incidence of sexual exploitation among children.

I want to acknowledge the hard work of the Sexually Exploited Youth Coalition in Winnipeg. It has a large membership which meets regularly. Day in and day out it works with the provincial and federal governments, the police, the city, other social organizations, and the non-profit community to try to find solutions to the high incidence of sexual exploitation among our children.

It is time for the government to take seriously the recommendations of so many different organizations and make the problem visible, face it directly and deal with it.

Today I want to remind everyone about the problem of sexual exploitation. In this week which is Sexual Exploitation Awareness Week, let us set aside some time to think about the high incidence of sexual exploitation among children. Let us rededicate ourselves to doing something about it.

Another anniversary just passed. Sunday was International Women's Day, a day when we are supposed to celebrate the contributions of women and the progress women have made. This year there was no celebration. Everywhere across this country women took to the streets to decry the lack of action in many areas. It was propelled by the recent news that the government had rolled back the clock on pay equity, the fundamental concept of equal pay for work of equal value. Women rose up to say that is a human right that we fought for.

The government can try to take it away from us, but we will rise up and continue fighting until such time as that right is fully entrenched in every aspect of society, in the laws of this land, so that women everywhere have the right to take a complaint based on human rights to the Canadian Human Rights Commission, which was founded on the fundamental freedoms outlined in the Canadian Charter of Rights and Freedoms.

The rising up in the streets on International Women's Day did not just focus on pay equity. It became a symbol for everything that is wrong with the government and why women have to remember that we have a huge fight on our hands. We have to organize politically and in the grassroots to speak out against the government and its disastrous and destructive programs and initiatives that hurt women.

● (1905)

The rising up in the streets on March 9 was also about violence against women. Women in Winnipeg sent a clear message to the federal government that they want it to invest in all areas pertaining to violence against women, especially women's shelters. They sported hard hats and construction vests and carried cardboard hammers. They gathered at the future site of the Canadian museum for human rights. They wanted to make the point that if we are going to build a place that respects human rights and remembers the many struggles our citizens have had to endure just to get to the point where human rights are recognized, then we have to gather there to send a message that our rights are being denied as we speak and so much more needs to be done.

*Routine Proceedings*

I want to mention especially the work of the young women at the West Central Women's Resource Centre, the young women at the University of Winnipeg Women's Centre, the young women at the University of Manitoba, all young women, and thank God there are young women who are prepared to take up the flag and the challenges from those of us who have worked so hard over the last 30 years and sometimes wonder how we are ever going to leave a lasting legacy for our children and our children's children.

These young women gathered and spoke about the fact that domestic abuse does rise when there is stress and when people are losing their jobs. They made the connection between the economic recession we are now faced with and the rising incidents of violence. They talked about the fact that women are less likely to have a place to go if they are being abused at home and that it is more likely to happen now. It is a real concern. They signed messages on a board of bricks calling for an end to violence against women.

They especially referenced the case of Claudette Osborne, a woman who has been missing for six months. There is no sign of her whereabouts. They pledged to continue their quest to find Claudette Osborne and to work on behalf of all missing and murdered women whose numbers are growing. They number some 500, at least, across this country. There are probably more. We know of 500, but many others may not have been identified. These are women who have been kidnapped, taken from their communities, taken off the streets, abused and perhaps murdered.

We all know about the Pickton farm in British Columbia. We know about the Claudette Osbornes in the world. We need to rededicate ourselves to find a way to make those women more visible, to stop treating them as invisible persons, as secondary citizens.

The whole pursuit of the Sisters In Spirit campaign has been about missing and murdered women, about finding a way to ensure that their cases are not treated as less significant than others.

I want to reference in particular an article written by Constance Backhouse which appeared in *The Ottawa Citizen* a few days ago, just before International Women's Day. The title is, "Forgotten sisters". In the article Constance talks about some cases that occurred long ago. She talks about the case of Rose Roper, who was brutally abused and murdered in 1967. She talks about a case that we know well in Manitoba, the case of Helen Betty Osborne, a 19-year-old Cree woman who was sexually accosted, stabbed to death and abandoned in the snow in The Pas, Manitoba.

She goes on to say it is not just those high-profile cases that we have to worry about. There is a whole group of women who do not have names, who do not have identities, who do not have anyone pursuing them in terms of seeking justice and answers for their situations. She talks about an award-winning doctoral thesis by Professor Tracey Lindberg from the University of Ottawa, who listed a shockingly high number of missing aboriginal women lost between 1975 and 2007.

As I mentioned, the Sisters In Spirit campaign, which has been in effect for the last four or five years, released a public information campaign showing that more than 500 aboriginal women have been

missing in the past three decades, many of them suspected murder victims.

To quote Constance Backhouse, "So many have been lost along Highway 16 between Prince Rupert and Prince George that it has been nicknamed 'the Highway of Tears'". She also says:

...nowhere does it seem that anyone is prepared to tackle the root causes that give rise to these appalling acts: hatred of women and long-standing injustice toward aboriginal communities.

Amnesty International has lambasted our government for complacency and inaction.

She ends with the question, "When will Canadians wake up? When will we finally take action to dismantle the legacy of misogyny and racism that runs through the heart of Canadian history and haunts us unceasingly today?"

● (1910)

This discussion is all about that. The Status of Women committee report on violence against women was all about that. It recognizes that there are missing and murdered women who do not seem to count and for which we have not put a lot of resources, effort and attention into solving cases.

Many of them are aboriginal women. My colleague from Nanaimo—Cowichan has been on her feet in the House many times talking about the United Nations Convention on the Elimination of All Forms of Discrimination against Women noted with regret that aboriginal women in Canada continued to live in impoverished conditions, which include high rates of poverty, poor health, inadequate housing, lack of access to clean water, low school completion rates and high rates of violence.

She asked this question. Could the government tell us what it sees as a priority that should have been included in the throne speech and then in the budget that would deal with first nations, Métis, Inuit and other desperate economic conditions? A very important question for which we have not received a serious answer.

Just today the British Columbia group dealing with the Convention on the Elimination of Discrimination against Women, B.C., CEDAW, called a public inquiry on missing and murdered aboriginal women. They called on the government to do that now. I read from its press release dated today:

Setting up a full public inquiry into the ongoing issue of murdered and missing Aboriginal women and girls is the only right thing to do and the time is now...

This group goes on to say that:

At the United Nations in Geneva in October 2008 when Canada's human rights performance under the *Convention on the elimination of All Forms of Discrimination against Women*, (CEDAW), was reviewed, the UN Committee on the Elimination of Discrimination expressed concern about the hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades. The Committee urged Canadian governments to examine the reasons for the failures of the justice system to deal with these cases and give them priority attention.

That is an embarrassment. Canada has a deplorable record on the international front made even worse by the recent decision to cancel pay equity and nullify it as a program at the national level, in fact, to the point where the government had to face a call for an investigation at the United Nations about the deplorable record pertaining to women at the United Nations this past week.

*Routine Proceedings*

It used to be that we were at the top of the list when it came to human development and equality for women. Now we are getting close to the bottom of the list. That is the result of inaction on the part of consecutive Liberal and Conservative governments. If we do anything today, it would be for the government to come forward with a statement saying that it recognizes the problems, that it will do more, that it will come up with a plan of action and work on a consensus basis to ensure that this happens.

Let me add a couple of words about the work that is being done in Winnipeg, which keeps us all going. At a recent event marking the disappearance of missing and murdered women, a woman by the name of Sheila Hillier wrote a very important piece. I want to read from it as I conclude my remarks. It is called "Remember Me". It says:

They are the Silent Witnesses and we are their voice...

She asks us to remember the unique gifts and talents she brought to us all....

She asks us to look beyond her pain and her ways of coping with her life experiences and to see that she is a woman struggling to live life in the best way she knows how....

She asks us to forgive her, to know that she may not have shared everything that she was going through and she did so because of guilt and shame....

She asks us to walk with integrity and be proud in who we are.

She asks us to walk in compassion and without prejudice....

She asks us to enforce the laws that are in place.

She asks the men in our community to take their place in speaking out against violence and to be positive role models in the community.

She asks us to be there to provide hope and a way for women and children to live free of violence...

She asks us to be strong, to not give up hope, but to continue in our efforts, to press forward and to speak out when we have the opportunity.

● (1915)

**Ms. Candice Hooppner (Portage—Lisgar, CPC):** Mr. Speaker, I am pleased to rise in the House today concerning the concurrence motion on the first report of the Standing Committee on Status of Women, which recommends that the federal government take real action to support women and denounce their abuse both in Canada and abroad.

This government supports the report. We have a strong record on addressing violence against women both at home and abroad. This report will build on our government's accomplishments.

According to Statistics Canada figures, women are considerably more likely than men to be victims of violent crimes, such as sexual assault and criminal harassment. For example, in 2004 there were over six times as many female victims of sexual assault as male victims. For Aboriginal women, the situation is even worse. Aboriginal women in Canada face a heightened risk of racialized and sexualized violence; that is violence perpetuated against them because of their gender and Aboriginal identity.

These challenges did not arise in the last three years. They festered and grew in scope, due to the superficial attention given to these matters during the previous governments. Amid this tough reality of violence against women, the good news is the Government of Canada is committed to action on violence to achieve real results for women and their communities.

Since taking office, our government has clearly demonstrated its commitment through a range of results focused action. We are

humbled by the severity of this situation, but equal to the task of reducing the level of violence against women. It was on that basis that we embarked on a reorganization of the women's program.

The women's program of Status of Women Canada is important in achieving results for women. We have created two new components, the women's community fund and the women's partnership fund. Through these funds, we can better support the work of women's and other Canadian organizations.

Now more money is available than ever before for achieving these results. Thanks to our government the women's community fund grants and contributions budget increased, allowing more groups than ever before to have access to funding. In 2007-08 alone, 100,000 women benefited directly from community fund programs, and 1 million women benefited indirectly.

Just last week the government continued to fund groups that address violence against women. We announced funding to Family Service Regina for its project, "Domestic Violence Stalking Project", to the Saskatchewan Association of Sexual Assault Services for its project, "Increasing Access to Direct Healing Services to Women Survivors of Sexual Assault in Saskatchewan" and Tamara's House - Services for Sexual Abuse Survivors for its project, "Improving Services for Women who have experienced Childhood Sexual Abuse".

Partnerships are key to achieving results. The newly established women's partnership fund will support collaborative projects that involve matching funds from other partners, including other levels of government.

The Minister of State for Status of Women, over the last few weeks, has approved numerous projects funded from the women's community fund. These initiatives will advance equality for women and their full participation in the economic, social and democratic life of our country. These projects will yield concrete results for Canadian women by helping them find jobs, increasing financial literacy skills and supporting them in leaving the sex trade and in exigent situations involving violence and abuse.

Through the women's partnership fund of Status of Women Canada, we have been successful in creating partnerships and leveraging financial and in kind contributions from partners across society, partnering with WEConnect Canada to open doors to corporate markets for women ready to seize new business and employment opportunities through education, training, coaching and mentoring programs. We also joined with Equal Voice to support young girls leadership development and their engagement in civic and political life.

The response has been overwhelming. The projects are providing much needed services and support to women from coast to coast to coast. Since we formed the government in 2006, we have undertaken numerous initiatives to advance equality for women. These include but are not limited to the universal child care benefit, putting more money into the hands of older women by increasing the pension income credit and changing the guaranteed income supplement.

*Routine Proceedings*

●(1920)

We are improving living standards among Canadians seniors. We are improving employment opportunities for vulnerable groups of women, including older women, women leaving abusive relationships, women with intellectual disabilities and aboriginal women living on and off reserves.

We are supporting women's work and family choices through a variety of measures, including creating the working income tax benefit. We are modernizing federal labour laws and standards and expanding business opportunities for women. We are creating special initiatives for women entrepreneurs, providing affordable housing and helping to reduce incidences of low income. We are increasing crime prevention, justice and security measures to protect children from sexual exploitation.

Our economic action plan continues to work. It takes action in these areas by making changes to employment insurance, including a plan to extend maternal and paternal benefits to self-employed Canadians, 47% of whom are women.

The budget allocates more funding for social housing and more resources for northern communities and aboriginal Canadians, including aboriginal women. The budget provides more resources for health care for women, including the addition of \$554 million through targeted support for the implementation of wait time guarantees and HPV immunization programs to protect women and girls against cervical cancer.

Our government has responded to the needs of women on a wide range of issues by developing supportive policies and measures to address critical changes and by providing the resources to help deal with them.

We will continue to create the conditions for women's success by encouraging and supporting women in such areas as leadership, economic security and prosperity and by addressing the crucial issue of violence against women.

Our government is deeply concerned about the challenges facing first nations, Inuit and Métis women. My hon. colleague alluded and spoke to that earlier. We have taken concrete actions to increase aboriginal women's participation in the economic, social and democratic life of Canada and to eliminate systemic violence to which they are particularly vulnerable.

In the summers of 2007 and 2008, our government partnered in two national aboriginal women's summits. These important gatherings brought aboriginal women together with federal, provincial and territorial partners to discuss the issues, identify solutions and plan for future action. There was remarkable consensus on the need for action on the issues facing aboriginal women, including addressing poverty, protecting and advancing human rights and addressing violence against aboriginal women.

Our government is achieving results for aboriginal Canadians, including the repeal of section 67 of the Canadian Human Rights Act and addressing family violence, the adaptation of police training to target the treatment of aboriginal women and girls and adapting youth training for girls in violence prevention.

Status of Women also maintains its ongoing commitment to the sisters in spirit initiative, administering the funds to the Native Women's Association of Canada through to 2010. Sisters in spirit is a research, education and policy initiative to increase public knowledge and understanding at a national level of the impact of racialized and sexualized violence against aboriginal women.

Our economic action plan also recognizes the importance of addressing violence within the general aboriginal community. We have committed to providing \$515 million over two years to accelerate ready-to-go first nations projects in three priority areas: schools, water and critical community services. Since taking office, our government has taken action to make our streets and communities safer through legislation to restrict conditional sentences such as house arrest for serious crime. We have increased mandatory penalties for serious gun-related crimes.

We have raised the age of consent from 14 to 16 years to protect youth, including girls and young women, from adult sexual predators. This applies to sexual activity, including prostitution and pornography or where there is a relationship of trust, authority, dependency or any other situation that is otherwise exploitive of a young person. The issue of trafficking in persons remains a serious and growing concern for women and girls both in Canada and internationally.

●(1925)

Budget 2007 allocated \$6 million to combat child exploitation and trafficking, and, with the Vancouver 2010 Olympics on the horizon, we recognize that international sporting events can create opportunities for trafficking, particularly into the sex trade.

As a result, our government is examining measures to avert trafficking from the Vancouver event. Toward that end, the RCMP is leading federal partners on training for law enforcement and other front line officials to teach investigative tools and enhance knowledge of laws surrounding trafficking and the services the victims require.

Under the guidelines, trafficking victims also will be eligible to receive a tax-free, temporary residence permit that allows them to stay in Canada for up to 180 days and apply for a work permit. This initiative is yet another reflection of the Government of Canada's ongoing commitment to strengthening overall efforts to combat human trafficking through prevention, prosecution and protection.

Status of Women Canada has a long and proud tradition of representing Canada at the United Nations and other international forums, such as the Asia-Pacific Economic Cooperation. Canada is a proud supporter of international endeavours to address violence against women internationally. We are a world leader in the fight to end gender discrimination and we take this role very seriously.



The Government of Canada is taking leadership to bring about equality for women because we want nothing less than women's full and equal participation in the economic, social and democratic life of the country. Our government is achieving concrete results for women and in the end this makes a difference for all of us, as we strive to improve the lives of women aiming for real results and creating lasting and positive change.

This government remains firmly committed to strengthening women's participation in all aspects of Canadian society. That is why I am proud to support a report that will add to our government's strong record on addressing violence against women.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, before I begin my speech today on the concurrence motion on a report on women's issues, I want to pay tribute to a pioneer of women's equality. It is most appropriate at this time.

An article in the *Whitehorse Star* stated:

The Yukon lost its greatest champion for women's rights Saturday with the passing of Joyce Hayden. She was 77.

While Hayden served in the legislative assembly for one term as a New Democrat under the 1989-92 government of Tony Penikett, her achievements for the women's movement in the territory went well beyond the halls of territorial politics.

"She leaves an enormous, enormous legacy for women," said Charlotte Hrenchuk of the Yukon Status of Women's Council, an organization Hayden brought to fruition in the early '70s.

"All the work for women's equality in the Yukon came from a small group of women (which Hayden led). She was tremendous, and provided continuity to the women's movement in the Yukon ... we're losing a great pioneer for women's equality."

To witness her contribution, one need look no further than Whitehorse Transit, which evolved from the Yukon Women's Mini-Bus Society that Hayden spearheaded in 1975.

Without a transit system in the Yukon capital, women were often stranded at home as their husbands used the family car to commute.

"The idea when we proposed it was, in those days, which was many years ago, for women with children who didn't have access to vehicles," recalled Dale Stokes, a friend of Hayden's and colleague in the women's movement.

"Getting it going was quite a feat actually, but Whitehorse residents have Joyce to thank (for their bus system)."

Marian Home, the minister responsible for the Women's Directorate, fondly remembers how the mini-bus service often provided door-to-door service and was instrumental in providing women more personal freedom.

"Many former society members in Whitehorse can attest to Joyce's pluck, dedication to the cause and perseverance as the reasons why the mini-bus service became a reality," Home said at a ceremony honouring the achievement in October 2008.

"A freelance writer and researcher by profession and a historian, feminist and community activist by choice," is how Carcross Community School's website, dedicated to documenting the lives of prominent Yukoners, describes Hayden.

Born in Birch Lake, Sask. in 1931, Hayden moved to the Yukon in 1953 with her husband, Earle. Here, they raised three children.

Through her activism, volunteerism and numerous contributions to the territory, Hayden earned the Canadian Volunteer Award, the Yukon Commissioner's Award, the Rotary International Paul Harris Fellowship Award and was inducted into the Yukon's Transportation Hall of Fame.

On Oct. 18, 2003, Hayden was honoured with the Governor General's award in commemoration of the Persons Case—a landmark 1929 legal victory for women in which the judicial committee of England's Privy Council (then the highest court in Canada) ruled "persons" in the British North America Act includes members of both sexes, not just men.

Previous interpretations of the term "persons" had been used to deny women from sitting in the Senate, and, in the case of Emily Murphy, who launched the original challenge, from becoming the first female police magistrate in Alberta in 1916.

### *Routine Proceedings*

In Hayden's own right, she was involved in politics as a member, party executive and campaign manager for the NDP, both in B.C. and the Yukon.

She successfully ran in the 1989 territorial election, and, in mid-term, was named to the cabinet by Penikett.

She remained there until retiring from politics in 1992. While in office, Hayden presided over the Health and Social Services and Yukon Housing Corp. portfolios, and did not let the fact she was legally blind get in the way of her political determination or her ministerial duties.

Doug Phillips, a Yukon Party member who sat opposite Hayden in the legislature, fondly remembers his dealings with her.

"Sometimes the tone in the legislature can be mean and nasty, but Joyce was never like that," he told the Star.

"Despite our political differences, you could sit and talk with her. She just wanted to get things done and was more interested in the issues you had, your suggestions to deal with them and that was always refreshing."

Phillips called Hayden's passing "a sad day," and described his political rival as "a caring, compassionate person" who was "ahead of her time."

"I'm just pleased to have worked with her," added Phillips. "She had a great sense of humour, and we had some laughs in the legislature."

### ● (1930)

Margaret Commodore, a cabinet colleague of Hayden's during the later Penikett years, was a longtime friend of the late feminist dynamo.

"I've just got nothing but praise for her for whatever she's done, and I've always admired her," Commodore told the Star Tuesday from her home in Chilliwack, B.C.

"It's hard to look back at all of those years and decide it was there one moment that springs out all of a sudden... I do remember her strength, she had that and was very consistent with what she believed in. You tend to learn from people like that and she definitely had that quality about her."

Hayden is survived by Earle, three children and their spouses, Sandra and Darrell Merriman, Pat Burke and Dan Gresley-Jones, and Terry and Pat Hayden; as well as eight grandchildren and two great grandchildren.

That is the end of the *Whitehorse Daily Star* story, but I would add my own condolences to the family. In all the years I knew Joyce, she was, just as described in the article, always polite, soft, kind and yet very effective in the projects she took on. All Yukoners, especially the women for whom she achieved so much, will miss her.

I will now move to my speech on concurrence in the report. I first want to talk about the aboriginal women's summits that were mentioned earlier by the government, which I was glad it did. A number of summits were held in recent years to look at the totally unacceptable levels of violence against aboriginal women and an incredible number of murders and disappearances.

These summits, in which aboriginal women participated, came up with very long lists of excellent recommendations. Obviously, when these come from the people affected, they will have the best ideas as to how violence can be prevented. A summit was held in Newfoundland and in Whitehorse, which is where I spoke. I sincerely encourage the government to go over all the recommendations to see which ones have not been implemented and can be because they would go a long way to reducing violence against aboriginal women.

*Routine Proceedings*

I want to note that there was a special ceremony outside the House at the Peace Tower. The Peace Tower was lit up in blue as a dedication to National Water Week. Acquiring water in the poorer parts of the world is a huge task and it often falls on women, which is more difficult for them because they also need to obtain quantities for their children and, therefore, may spend the better part of a day in very poor parts of the world doing just that one activity that we take for granted.

I am glad the motion also talks about women in international situations and not just women in Canada because the crisis happening in Canada now is exceptionally hard on people in desperate situations. We might forget that in other parts of the world people are being raped, murdered and put in prison for no good reason. There are people in even worse situations than we are. Women and girls are still bought, sold and trafficked and genital mutilation is still rampant in the world.

The countries I want to deal with internationally are the ones I have spent the most time on. Of course, in Darfur the systematic rape and killing of women is occurring. Due to the great work of the world famous human rights activist, the member for Mount Royal, the leader is being charged in the world court for war crimes. That situation continues to deserve the attention of the whole world. The Liberal member from London has done tremendous work in that country to alleviate the problems there.

In the Congo, of course, thousands of women are raped and murdered to get them out of the area so they are not an issue for the gangs that want to take over particular areas.

Yesterday was the 50th anniversary of the uprising in Tibet. In 1949, as we know, Chinese troops marched into Tibet and 10 years later there was a violent uprising where thousands were killed, including many innocent women. Human rights in various forms have been denied ever since.

● (1935)

My congratulations to all those who have kept up that struggle for half a century and will keep it up until it is over and victory is won, so that people will have their human rights, their culture and their religion back, as would be expected in today's modern and humane world.

I deal with another area as chair of the Parliamentary Friends of Burma. There is a horrendous dictatorship in Burma, where women are systematically raped and put in prison. There are extrajudicial murders and forced labour. They are just yanked out and told to build military roads, which of course they are not paid for. If they fall by the wayside, they may just be left to die. It is amazing to the whole world that Burma has put Aung San Suu Kyi, a Nobel Peace Prize winner, on house arrest for many years. There is a tremendous lack of human rights. It is a huge sore in the humanitarianism of the world.

Right on the border it is bad too. In the place I visited, a girl had been murdered, her body burned and her head cut off just before I got there. The migrant workers told me this happens on an average of once a week.

It identified a problem that does not only occur there, but anywhere in the world where there are illegal migrants or illegal

workers. They are often women. They can be taken advantage of by their employers, who threaten to expose their being in the country illegally if they do not work and exist under horrible conditions.

The last country I want to talk about is Iran, which systematically violates the human rights of its Baha'i citizens. For nearly 30 years it has persecuted the Baha'is, its religious minority, in a deliberate attempt to destroy the Baha'i community.

Three years ago, Iran issued a high-level confidential memorandum calling for the surveillance of all Baha'is. Since then, these attacks have intensified.

All seven leaders of this persecuted community were arrested ten months ago and remain in the notorious Evin Prison without formal charges or access to their lawyer, Shirin Ebadi. According to an Iranian news source, these prisoners will be indicted before the revolutionary court very soon on charges of espionage on behalf of Israel, insult to the sacredness of Islam and propaganda against the regime. These charges are baseless, but they are very serious and could lead to tragic consequences.

I hope that Canada will once again, as a great champion of human rights, stand behind these people, many of whom are women and who are totally unjustly charged.

I want to spend the remainder of my speech talking about some excellent but little-known report that came out recently. The member who is chair for our women's caucus and has done a lot of work on women was at the press release in November 2007. It is a study of women's homelessness north of 60°. There was an overall volume and then one volume for each of the three territories. This was an excellent report, and very detailed. Members can see it is very thick. It had all sorts of ideas and proposals.

Once again, I am putting these forward in a positive light. I hope that tomorrow the government will review these, go through the ones that have not been adopted and addressed, and use these good ideas for improving the lives of women in Canada, especially in the north, where women are so distinct but do not have conditions as good as those for men in similar situations.

● (1940)

I will read the 16 recommendations and then describe each of them.

One is to have a national housing policy that is inclusive of women. Two is to increase the supply of decent, safe, low income housing. Three is to have supportive housing options. Four is to increase emergency shelters. Five is to increase second stage housing options. Six is to have housing authority policies that remove barriers for women living in violence and those who are homeless or at risk of becoming homeless. Seven is to address landlord and tenant issues. Eight is to have poverty reduction strategies. Nine is to provide services to address the full range of determinants of women's homelessness. Ten is to remove the barriers to access services for homeless women. Eleven is to have appropriate funding for a range of front line services. Twelve is to have access to education and training programs. Thirteen is to have access to child care. Fourteen is to have mechanisms for collaborative and creative solution building. Fifteen is to have information collection, management and sharing. Sixteen is with respect to public awareness, attitude and change.

Those are all recommendations that came out of excellent reports from the three territories. Some information is generic to the territories, but a lot of the recommendations would apply across the country. I encourage governments at all levels, and the non-profit and volunteer organizations across the country to look at these recommendations and to do whatever they can.

I will not have time to explain all 16 recommendations, but I want to discuss some of the unique problems in the north.

On a winter's night, one does not see, as one does in southern Canada where most people live, people sleeping on subway grates trying to keep warm. When it is -30°C, -40°C or -50°C one would freeze to death. There is a type of homelessness one does not see, but it could be much worse because people have to find a warm place to stay. Women, sometimes with children in tow, find a warm place that is not particularly where they should be. They may have to provide services they otherwise would not want to provide, simply to avoid freezing to death. It is a horrible situation.

Homelessness is an even more critical problem in the north. There is a smaller population and therefore there is a smaller number of services. There are trans-generational problems that may not exist in such great numbers elsewhere. For someone to keep warm when it is -30°C or -40°C, there are huge heating and clothing costs which come out of a low fixed income. People may not have access to the literacy and educational services they need. There may not be enough shelters for women trying to get away from a violent situation. There may not be enough second stage housing once a woman gets out of a shelter and needs to be in a place for 9 to 18 months to get her life in order after fleeing that violent situation. And what about transportation and access to services? We are all pushing for and are happy that Internet and phone services can be installed. It is great for people in rural areas, but poor women and homeless women do not have phones and Internet. This puts women into a cycle of poverty.

We need public education against discrimination, racism and stereotypes of these women. Those things just make the situation worse.

There is a plethora of recommendations from various government departments. If we heed these excellent reports on women's

homelessness in Yukon, the Northwest Territories and Nunavut, and the aboriginal summits, we can really move forward the situation of women in Canada.

\* \* \*

• (1945)

#### MESSAGE FROM THE SENATE

**The Deputy Speaker:** I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed a bill.

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#### ROYAL ASSENT

• (1950)

[English]

**The Deputy Speaker:** Order, please. I have the honour to inform the House that a communication has been received as follows:

Rideau Hall

Ottawa

March 12, 2009

Mr. Speaker:

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bill listed in the schedule to this letter on the 12th day of March, 2009, at 7:20 p.m.

Yours sincerely,

Sheila-Marie Cook

Secretary to the Governor General

The schedule indicates the bill assented to was Bill C-10, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures.

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#### ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

AGRICULTURE

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, on February 27, I questioned the minister on the government's record of failure due to its lack of support for the farmers of Canada. Worse, the government penchant for making announcements and then never delivering the moneys announced is adding to the stress that farmers actually bear. With each passing week, the list of failures grows longer and longer.

*Adjournment Proceedings*

Contrary to the government's propaganda machine, the Conservative government has never reached the level of financial funding as provided under Minister Mitchell. In the last Parliament, the government committed to the family farm options program with \$400 million then cancelled it mid-program, abandoning farmers and, in effect, taking \$241 million virtually out of the pockets of farmers. In 2006 the Prime Minister promised a cost of production program, \$100 million per year to assist with the costs of producers. The money was never spent. Now, that promise has been broken and the cost of production program cancelled.

The Prime Minister promised a \$500 million agriflex program over four years in the last election. It was not delivered. The only new money section is \$190 million over five years. It is not flexible. It is not allowed for RM programs or the ASRA program in Quebec. Another broken promise. The Prime Minister promised a 2¢ reduction in the federal excise tax on diesel fuel. Was it in the budget? Absolutely not. Another broken promise by the Prime Minister.

The government has yet to improve the safety net programs so that farmers in the hog and beef sector can actually qualify. Instead, the government has provided additional loans and added further to their debt. Even the CAIS program the Prime Minister railed against was changed virtually only in name. In fact, we now know that when incomes are in decline agristability and agri-invest will pay out less than the old case program.

Agrirecovery, the so-called disaster program, is proving to be an insult and a disgrace to those farmers who need it and none more so than in my province of Prince Edward Island. Farmers are facing potato, wheat, carrot and turnip crop losses due to extreme wet weather. The minister promised \$12.4 million and only \$3.2 million has been delivered. That promise is four times higher than what was delivered. The industry, farm organizations and my colleagues have called on both levels of government to commit the full \$12.4 million to water-damaged crop. In response to our letter, the minister stated, "As you know, the AgriRecovery initiative, the P.E.I. potato assistance program, was put in place last fall to encourage producers to destroy spoiled product in the field to mitigate losses in storage".

That is absolutely unacceptable. This program was portrayed as a disaster program. Crop loss due to weather in field or in storage is still crop loss due to weather. We had three fine days in the month of August. Water-soak has completely damaged crops. This is about human beings. This is about lives and finances. Will the minister commit the full \$12.4 million to this water-damaged crop?

• (1955)

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Mr. Speaker, the member for Malpeque has raised a great many issues with his one question. I am pleased to provide him with details on how our government keeps its promises to the agricultural sector. However, this business of making announcements and not delivering is coming from a Liberal member whose Liberal senators, up until today, were delaying and blocking the passage of our budget bill and thus delaying the movement of money to Canadians. It is a bit rich.

Our government is keenly aware of the economic and financial challenges faced by all Canadians. We do not take these challenges

lightly and we keep our commitments to help. Members will see many of these commitments outlined in budget 2009.

I will highlight what we have done specifically for the agricultural sector.

As the member for Malpeque will recall, we announced a new \$500 million agricultural flexibility program; a new \$50 million to strengthen the overall capacity and improve the profitability of slaughterhouses across Canada; important amendments to the Farm Improvement and Marketing Cooperatives Loans Act, which will make credit available to new farmers, support intergenerational farm transfers and modify eligibility criteria for agricultural co-operatives; that we would work with interested provinces toward local delivery of the agristability program to support improved client service; and a range of other initiatives, including unprecedented new investments to support rural infrastructure and economic development, which will help all rural Canadians, including farmers.

It is clear that our government listens to farmers, recognizes the challenges that they face and delivers on its commitments.

This budget has been much appreciated by farm groups across the country.

From his own area of the country, Merv Wiseman, president of the Newfoundland and Labrador Federation of Agriculture, said of this budget:

We have a whole new framework that's coming out to spend on some very key areas around food safety, food security...The broad strokes of the program, the basic framework for us as agriculture across the province and across the country is very positive.

The Canadian Federation of Agriculture sent out a press release after the budget came out, and it said:

Further positive announcements included the recommitment to the Government's election promise of \$50 million over the next three years to expand slaughterhouse capacity within Canada for beef, pork and other livestock producers. The program, which will make federal contributions available to match private sector investments, will support additional livestock slaughter capacity and help ensure Canada has a competitive livestock sector.

What more could the member ask for?

Speaking of the livestock, let me talk a little about that sector. This industry has been heavily impacted as a result of the volatility of the Canadian dollar, high input costs and uncertainty in the American market due to country of origin labelling requirements.

*Adjournment Proceedings*

Our government has committed to help the industry and has provided the following assistance. For 2007 and 2007, more than \$1 billion is projected to flow to livestock producers through the new business risk management programs, including agri-invest kickstart payments. To date, the livestock sector has also received a total of approximately \$570 million using the advance payments program. This is in addition to the measures I just spoke about from budget 2009.

We are standing up for farmers. We have done so much for farmers. I know the member for Malpeque has a hard time keeping up with all of our accomplishments, but I do encourage him to try to stay current with everything that we are accomplishing.

**Hon. Wayne Easter:** Mr. Speaker, I have heard a lot of fluff, but I have not heard much substance from the parliamentary secretary.

The fact is the minister is failing Prince Edward Island farmers. We have had the worst weather conditions on record in our history on Prince Edward Island, and what do we get? We get a so-called disaster program that is in fact not a disaster program. The government had committed \$12.4 billion, and it is absolutely failing to deliver on that.

The program, in its first instance, was an insult, 1¢ per pound, which was to be used to disk down the crop. It is the same weather that caused the damage in the fields as is causing the loss in the warehouses. I know one producer who has lost \$1.2 million as a result of that weather-damaged crop and the government is not allowing agri-recovery to do its job. It is unacceptable. This—

● (2000)

**The Deputy Speaker:** The hon. parliamentary secretary.

**Mr. Pierre Lemieux:** Mr. Speaker, once again, the member for Malpeque is proving that he simply does not know what he is talking about when it comes to agriculture. He is basically full of hot air.

He was wrong on the poultry rejection project. Despite what he was telling the House, the program did start under the Liberal government. I tabled documents a few weeks ago in the House proving just that.

He was wrong on the contingency fund of the Canadian Wheat Board. Despite him stating that farmers were not interested in the losses of the contingency fund, they have indeed been calling for an investigation of Wheat Board's hedging practices. I tabled the response from the minister this very afternoon in committee proving that.

He is certainly wrong when he dismisses the assistance our government has provided to the P.E.I. Prince Edward potato farmers. When abnormal rainfall destroyed potato crops last year, our government reacted quickly and in partnership with the province to put in place the P.E.I. potato assistance program under the agri-recovery program framework, in order to assist producers and reduce the risk of further crop losses.

What did the Liberal government of Prince Edward Island say of the program?

**The Deputy Speaker:** Order, please. The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24.

(The House adjourned at 8:02 p.m.)



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