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OFFICIAL REPORT
(HANSARD)

Tuesday, June 9, 2009

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, June 9, 2009

The House met at 10 a.m.

Prayers

● (1000)

[*English*]

EXPORT DEVELOPMENT CANADA

The Speaker: I have the honour to lay upon the table the Auditor General's report on the design and implementation of Export Development Canada's environmental review directive and other environmental review processes.

[*Translation*]

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

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INFORMATION COMMISSIONER

The Speaker: I have the honour to lay upon the table the annual reports on the Access to Information Act and the Privacy Act of the Office of the Information Commissioner of Canada for the year 2008-09.

[*English*]

These documents are deemed to have been permanently referred to the Standing Committee on Justice and Human Rights.

ROUTINE PROCEEDINGS

[*English*]

AN ACTION PLAN FOR THE NATIONAL CAPITAL COMMISSION

Hon. Lawrence Cannon (for the Minister of Transport, Infrastructure and Communities) moved for leave to introduce Bill C-37, An Act to amend the National Capital Act and other Acts.

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

AN ACT CREATING ONE OF THE WORLD'S LARGEST NATIONAL PARK RESERVES

Hon. Jim Prentice (Minister of the Environment, CPC) moved for leave to introduce Bill C-38, An Act to amend the Canada National Parks Act to enlarge Nahanni National Park Reserve of Canada.

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

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COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Justice and Human Rights.

In accordance with the order of reference of Wednesday, April 22, your committee has considered Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years), and agreed on Monday, June 8, to report it with amendment.

STATUS OF WOMEN

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I am proud to present, in both official languages, the sixth report of the Standing Committee on the Status of Women in relation to the consequences and effects the current employment insurance programs have on women in Canada.

[*Translation*]

The report came out of a study by the committee, which looked at the impact that the current recession is having on women and specifically at how increased unemployment is affecting them.

[*English*]

CANADIAN MISSION IN AFGHANISTAN

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Special Committee on the Canadian Mission in Afghanistan, following the recent fact-finding trip to Washington, entitled "Visit to Washington, D.C.".

● (1005)

INCOME TAX ACT

Mr. Charlie Angus (Timmins—James Bay, NDP) moved for leave to introduce Bill C-411, An Act to amend the Income Tax Act (removal of charge).

He said: Mr. Speaker, I am very pleased to rise in this House today, with my colleague from Nanaimo—Cowichan, to introduce a bill that I think all members of Parliament will find a very straightforward and agreeable bill.

It is a bill to amend the Income Tax Act, particularly where a charge, lien or priority on a binding interest on a property has been created, and where the minister has reason to believe it will be in the public interest to remove the lien on these buildings to allow for redevelopment, and that the minister may, in accordance with regulations, discharge the lien, priority or interest.

The bill refers to the problem that we are facing in many of our communities where buildings have been abandoned and liens have been put on them. At a certain point they become unsellable. The buildings are left to deteriorate. Nobody wants to assume the redevelopment of properties or brownfield sites because of the heavy liens on them. We end up with many buildings being left derelict and falling apart.

In 2006, the province of Ontario amended the income tax act to allow the province to discharge liens, to return them to the municipality so that properties could be redeveloped.

Support for this bill comes from a number of organizations. The National Brownfield Redevelopment Strategy for Canada has spoken about this. The Timmins Chamber of Commerce, in terms of the issue of redevelopment of downtowns, and the National Round Table on the Environment and the Economy have all spoken of the need to have a plan so that the minister, when it is in the public interest, can discharge liens on abandoned brownfields and abandoned derelict buildings.

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

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IRAN ACCOUNTABILITY ACT

Hon. Irwin Cotler (Mount Royal, Lib.) moved for leave to introduce Bill C-412, An Act to combat incitement to genocide, domestic repression and nuclear armament in Iran.

He said: Mr. Speaker, I am pleased to introduce the Iran Accountability Act, seconded by my colleague from York Centre.

[*Translation*]

This is an important legislative measure to combat incitement to genocide, domestic repression and nuclear armament in Iran.

[*English*]

Simply put, Canada must not indulge the state sanctioned incitement to genocide, the impunities that attends it and the weaponization that underpins it.

Specifically, the Iran Accountability Act divests Canada from investment in Iran; establishes a mechanism to monitor incitement in Iran; renders the most virulent inciters inadmissible to Canada; freezes the assets of those who contribute to Iran's nuclear or military infrastructure as well as its machinery of hate; uses the framework of the international community, including Canada's bilateral relationships and the United Nations, to bring Iran to justice through recognized principles of international law; and targets Iran's dependence on imported petroleum.

[*Translation*]

I want to say that this bill targets the Iranian regime and not the great Iranian civilization or the Iranian people, who are increasingly victims of the repressive regime in that country.

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

[*English*]

Mr. Leon Benoit: Mr. Speaker, I rise to ask for unanimous consent of the House to revert to presenting reports from interparliamentary delegations.

The Speaker: Is there unanimous consent to revert?

Some hon. members: Agreed.

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INTERPARLIAMENTARY DELEGATIONS

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the report of the Canada-NATO Parliamentary Association respecting its participation and visit to Paris and Nancy, France, by the Defence and Security Committee Subcommittee on Transatlantic Defence and Security Co-operation, held in Paris and Nancy, France, April 27 to 29, 2009.

* * *

● (1010)

EXTENSION OF SITTING HOURS

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I would like to move the following motion. I move:

> That, pursuant to Standing Order 27(1), except for Friday, June 12 and Friday, June 19, 2009, commencing on Wednesday, June 10, 2009 and concluding on Tuesday, June 23, 2009, the House shall continue to sit until 10 p.m.

Mr. Speaker, I want to begin by stating what might be obvious to folks who watch the proceedings of Parliament closely. By and large, I would have to say that this session of Parliament has been quite amicable and cooperative. I appreciate the efforts by the opposition to help the government get its agenda through Parliament.

As I recently said at a fundraising event for the Children's Bridge Foundation, I was reflecting on this place and reflected that this truly is the house of the common people. I also reflected on that word "common". I thought that during the time of a minority Parliament, it is important for all of us to reflect on what we have in common: the things that we share as legislators regardless of our partisan differences. Regardless of what it is we want to see for Canada, I do believe very sincerely that all legislators and parliamentarians have the best interests of the country at heart.

I think that it is important that we try to work on those things that we have in common. I believe that there have been many instances in the last five or six months in this place when we have done that. I want to begin my remarks by commending the opposition for oftentimes trying to look beyond partisan differences, look to what we have in common, and actually accomplish things for the people of Canada.

While I am pleased with the progress that we have made thus far, not only as a government but as a Parliament working collectively, there is much more that we can accomplish for Canadians. As I have been saying about this cooperative atmosphere that is sometimes prevalent here, I think that some people who watch the daily proceedings of the House of Commons would actually dispute that.

If one were to watch the 45-minute question period every day, one might be surprised to hear me say that we actually work cooperatively and quite well together. While question period serves an important purpose and is the main focus for the media, no acts are amended, no new laws are created, and no funds for important programs are approved during that period of time.

Today, for example, there are 285 minutes dedicated for government legislation and 60 minutes for private members' business. Lots of time and effort goes into these minutes each day. More importantly, they can also be productive minutes. Thus far this session, our House has passed some 25 bills, including Bill C-33, which restores war veterans allowances to Allied veterans and their families. This required all-party consent and we all agreed that this was in the best interests of not only our veterans but the country.

Bill C-14, our bill to fight organized crime, is currently before committee in the other place. Bill C-29, the agricultural loans bill, will guarantee an estimated $1 billion in loans over the next five years to Canadian farm families and cooperatives. This is all important legislation that we worked together on to further it along the parliamentary agenda.

Our Standing Orders include a specific provision for the extension of sitting hours during the last two sitting weeks in June. In fact, I reflect on my 16 years in this place. It has often been a point of confusion when members, and especially rookie members, look at the calendar and see the last couple of weeks with asterisks beside the dates. They think that those weeks are disposable somehow, but they are not. They are that way because the government has the right to serve, without notice, the motion that I am moving today to extend hours and work into the evening.

At this point in my remarks, I also want to inject the fact that up until quite recently in parliamentary history, the House of Commons sat into the evening for debate almost every night. It has been a relatively new phenomenon that we do not have evening sittings. The only exceptions to that in the recent Parliaments have been for emergency debates or take note debates. Other than that, we do not usually sit in the evenings. It is quite a new phenomenon.

What I am moving today is not something unusual. These rules provide a mechanism to advance government business before members leave Ottawa to work in their constituencies over the summer.

● (1015)

We have a lot of important work to do before the House rises for the summer. After we subtract the three days for opposition supply days and the time for private members' business, we only have 33 hours and 45 minutes remaining to complete our government business before the House rises on the evening of June 23.

Extending the House sitting hours over the next two weeks would allow us to make progress on government bills, such as: Bill C-26, legislation to tackle property theft, which we expect to receive back from the justice committee this week; Bill C-34, the protecting victims from sexual offenders act, which would strengthen the national sex offender registry to provide the police with more effective tools to protect children from sexual predators; Bill C-35, the justice for victims of terrorism act; Bill C-36, which would repeal the faint hope clause in the Criminal Code so that criminals who commit first or second degree murder will no longer be able to apply for early parole; and Bill C-6, the consumer products safety bill, which was reported from committee yesterday. Adopting this bill would protect the health and safety of Canadians by allowing the recall of unsafe consumer products. I urge members to adopt that bill with the utmost speed when we call it for debate later this week.

Other bills we would like to make progress on include: Bill C-32, which cracks down on tobacco marketing aimed at youth, which received unanimous support at second reading and we hope that health committee can report the bill back shortly so that the House can consider its passage before the summer; and Bill C-23, the Colombia free trade bill.

While not unanimous, I am grateful for the support of most members opposite in enabling the House to pass Bill C-24, the Peru free trade bill. Both Bill C-24 and Bill C-23 would expand market access for Canadian companies at a difficult time. I inject that this is especially important to our farmers who will have new marketing opportunities open up for them because of these two free trade bills.

This is just some of the important work to be done on our government's commitments. It does not take into account additional new legislation that we continue to introduce every week.

I notice the justice minister is sitting here and nodding as I relay a number of justice bills. The Minister of Justice has been extremely active in bringing forward a succession of important justice reforms. This is one of the reasons that I ran for Parliament 16 years ago. I know many legislators on both sides of the House hold near and dear to their hearts the importance of protecting victims and their families and of reforming and changing the justice system in our country to ensure that criminals are held accountable for their actions.

My intent regarding this period of extension would be, and I have discussed this with the opposition House leaders and whips, to set a goal each day as to what we wanted to accomplish. When we accomplished that goal, we would adjourn for the day. Even though the motion says that we would sit until 10 o'clock Monday to Thursday, it may not be necessary to sit until 10. We could work co-operatively and collectively together. If we actually achieved our goals that day at 7 o'clock or 7:20 p.m., we would see the clock at 10 and the House would rise. I think that is reasonable.

I am asking for a simple management tool to maximize our progress with the weeks that are left, a little over two weeks. I am not asking for a shortcut. I am not asking to curtail debate. I am proposing that we work a little harder to get the job done. As I said, I believe I am making a reasonable approach of adjourning each day after we meet modest goals. All parties would agree to these goals. This is not a blank cheque. I cannot adjourn the House without support from the opposition, nor can I prevent an adjournment motion from being adopted without opposition support. The motion has co-operation built right into it.

Sitting late in June is part of the normal process, as I referred to earlier. It is one of the procedures required to make Parliament work and be more efficient. According to the Annotated Standing Orders of the House of Commons:

> Although this Standing Order dates back only to 1982, it reflects a long-standing practice which, in its variations, has existed since Confederation. The practice has meant that in virtually every session since 1867, in the days leading up to prorogation or, more recently, to the summer adjournment, the House has arranged for longer hours of sitting in order to complete or advance the business still pending.

● (1020)

A motion pursuant to Standing Order 27 has only been refused once and that was last year. Even under the minority government of Paul Martin, the motion had sufficient opposition support to be adopted. There is bound to be some business that one opposition party wants to avoid, but generally there should be enough interest on the part of the opposition to get legislation passed before the summer recess.

The House leader of the official opposition is often on his feet after question period trying to get speedy passage to some of our justice bills. Here is a chance for him, and collectively Parliament, to actually get that done.

The NDP members complain that we accuse them of delaying legislation when all they want to do, or so they say, is put up a few more speakers to a bill. Here again we are giving them the opportunity to do exactly that.

I am therefore seeking the support of all members to extend our sitting hours so that we can complete work on important bills which will address the concerns of Canadians before we adjourn for the summer.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the government House leader has laid out very clearly some of the background and opportunities that the extension of sitting hours brings.

He listed the bills which he recognized to be important legislation that we need to move forward. He emphasized important legislation. One of the bills that is not on the list is Bill C-8 regarding matrimonial real property. A hoist motion was moved on that bill. The hoist motion was not successful. However, that should have indicated to the government that this important matter relating to aboriginal Canadians was something that should be dealt with.

The member will know that the bill did not enjoy the support of any first nations group or aboriginal women's group. I would simply ask the House leader if it is the government's position that Bill C-8 is not an important bill, and if so, will he withdraw that bill and commence proper negotiations and consultations with first nations?

Hon. Jay Hill: Mr. Speaker, as my hon. colleague indicated, there are a number of bills before the House. Obviously I did not have the chance or I would have taken a couple of hours to go through all of them and the various stages they are at. I expressed my appreciation to the opposition for the co-operation we have had thus far.

To encapsulate what has unfolded since early February, we are currently at the point where we have introduced 41 bills in this Parliament, some of them in the Senate but the majority in the House. Nine of them have received royal assent, in other words passed into law thus far. Two bills are awaiting royal assent. Sixteen of the bills are in the Senate. Four of those 16 actually originated there. That comprises 27 of the 41 bills. That means 14 bills are in various stages on the House side. As I said in my remarks, we are still introducing additional bills.

On the specific question of Bill C-8, we understand there is opposition to this piece of legislation. That is why we worked very hard with the opposition to try to get agreement to send it to committee where it could receive a thorough review and witnesses could be called. However, for whatever reason, a minority of the opposition wanted to combine to try to defeat the bill by moving a hoist motion. Fortunately, that did not happen.

It would still be my intent to call that bill, have more debate and hopefully get it to committee where it could be studied thoroughly. We on the government side believe it is only right that we extend the same rights and protection to aboriginal women on reserve that other Canadian women have.

● (1025)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the Leader of the Government in the House of Commons said that the government had introduced a number of bills. I have to say that the legislative agenda is not full enough to warrant extended sitting hours. I will explain what I mean later in my speech, but I want to express my opinion and ask the House leader a question. He had set a number of goals about a number of bills that he felt should receive royal assent by June, and he shared those goals with us at the meetings of the leaders and whips. All these bills, except one, are currently in the Senate. So from that standpoint, he has achieved nearly all his goals.

We had been told that certain bills had to be sent to the Senate by June before they could receive royal assent. Four bills had been identified. Two are currently in the Senate, while the House is still discussing the other two, but we could certainly come to an agreement on them. One bill was to be reported on by the appropriate committee, and that will be done. Three problematic bills remain. One has been mentioned, and that is Bill C-8, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves. The other two are Bills C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions) and C-23, the Canada-Colombia Free Trade Agreement Implementation Act. We disagree on these three bills, and we want to have in-depth debates on them.

Does the member think it would be reasonable for the opposition to agree to extend the sitting hours when the only bills likely to be debated during those extended hours are the bills that are the most problematic for the opposition? I think that that is not reasonable and that he will agree with me that we cannot agree to this blank cheque.

[*English*]

Hon. Jay Hill: Mr. Speaker, I say with the utmost respect to my hon. colleague, the House leader for the Bloc Québécois, that in his remarks he made my exact point of the need for the extension of hours.

He named the three bills that have been somewhat problematic to get agreement on from both sides of the chamber: Bill C-8, the matrimonial real property bill, to which my Liberal colleague referred as well; Bill C-19, investigative hearing and recognizance with conditions bill; and Bill C-23, the Canada-Colombia free trade agreement bill.

He went on to say that he would like to see some debate in depth. That is exactly what can be accomplished by extending the hours. I say that with all sincerity and reasonableness. If those bills are problematic, then why not work a little bit harder for Canadians?

We all know that Canadians are hurting. Canadians are struggling right now. They want to see this Parliament work. As I stated throughout my remarks, by and large Parliament has been working. We have been getting legislation through the House.

As I say, he made the actual point that I have been trying to make in that we need to have the additional time with only some 33 hours remaining of debate time for government legislation before the House rises. I do not think it is unreasonable to extend the hours and have a few more hours to debate bills like those.

I also referred to the House leaders and the whips. Quite some time ago, weeks ago in fact, I said that we would be introducing additional legislation. In particular, the Minister of Justice has been doing that. We will also have other legislation that was not on the list, as I said, which we would like to see debated before the House rises.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I have listened very carefully to what the government House leader has had to say today.

We were aware that he was planning to move the motion pursuant to Standing Order 27(1). I will go into it in more detail when I have the opportunity to speak to the motion.

I was interested to hear him say that he wants to set a goal each day of what we, meaning the government, want to accomplish. I know he is carefully trying to build the case as to why we should have these extended hours, but if we look at the record of what has taken place in the House, the fact is that the government has already seen the passage of about 65% of its legislation. We do have 10 sitting days left. There are probably seven bills, two of which are a problem for sure, and of those bills a number of them are relatively minor.

I know the government House leader is trying to build this big case that this is the public business that has to go through. The moving of this motion and saying that the government will unilaterally set the goal each day of what comes up and how long we sit, up to 10:00 p.m., to get through whatever it is the government wants to accomplish, strikes me as something that is very dictatorial and unilateral in its approach.

The government is one party of four parties in this House. Does the government House leader not recognize that there has been very speedy passage of a whole number of bills? What remains is not that much in terms of the government's overall agenda, so his rationale for a motion is very shaky. It is very superficial and does not have much to go on.

● (1030)

Hon. Jay Hill: Again, Mr. Speaker, my colleague the Bloc Québécois House leader made the very point that I was trying to make, as did the NDP House leader. As I said in my remarks, one of the complaints of the NDP members is that we criticize them when they begin a filibuster or when they continue a filibuster on legislation. Filibustering is a time-honoured process, whether it is at committee or in the chamber. I recognize that. It makes life difficult for any government, be it a majority government or, even more so, a minority government.

Having said that, the member is talking against her own position. She has taken the position, not only in the chamber, but on panels and in interviews with the media, that they would like to debate more. Well, here I am. I am giving the House the opportunity.

Mr. Speaker, I see you are indicating that I am running out of time. That is a sad day, because I would like to have replied in greater depth. If we accept this motion and extend these hours, I would have the opportunity to reply to my hon. colleague in greater depth than I have in this debate today.

To conclude my remarks, I urge all opposition members to consider very carefully that we should be working a bit harder. It is not unusual, as I laid out in my remarks, for the House to sit late at night.

They are heckling now, but there is nothing dictatorial about trying to work collectively to get more legislation done.

I would dispute the NDP House leader saying that this is not substantive legislation. If I had more time, I would show the House, step by step, that this is very substantive legislation, which could have a profound impact on Canadians' lives and on their well-being.

The Acting Speaker (Mr. Barry Devolin): Before we resume debate, I would like to remind members that we have a 10 minute question and answer period following each presentation. I ask members to work with the Chair. When I give an indication that your time is up, please quickly conclude. That way we will all have an opportunity to participate in the debate and ask questions of our colleagues.

With that, resuming debate, the hon. chief opposition whip.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I am pleased to join in this debate on the extension of hours. I take the government House leader at his word. I believe he is sincere when he says he is disappointed that he is not able to speak at greater length. However, I did not see that same degree of disappointment on the face of his colleagues.

I think we can frame the debate this way. As a hockey nation, Canada is seized by the playoffs. We are in the midst of the finals right now, and we are seeing a great series between the Detroit Red Wings and the Pittsburgh Penguins.

I know the people in Cape Breton—Canso are watching this with great interest, as Marc-Andre Fleury, formerly from the Cape Breton Screaming Eagles, who had a rough night the other night, and Sidney Crosby, from the Cole Harbour area, are still in the thick of things. They are looking forward to seeing the outcome of tonight's game.

I am going to use the hockey analogy. If we look at the last game—and I know the member for West Vancouver is a big hockey nut—with a five to nothing outcome, what the government House leader is asking to do would be similar to Sidney Crosby going to the referee after a five to nothing score at the end of the third period and saying, "Can we play overtime?".

The die has been cast on government legislation through this Parliament. Pittsburgh did nothing in the first two periods that would warrant any consideration for overtime. Maybe if they had done the work in the earlier periods, they could have pushed for a tie and overtime, but there was nothing done. Certainly there was every opportunity for the government to bring forward legislation, and it missed at every opportunity.

Former Prime Minister Jean Chrétien said, "You know, they never miss an opportunity to miss an opportunity".

If there is such importance now in passing this legislation, we can look back, even to last summer, when every Canadian knew, every economist knew and every opinion rendered then was that we were heading for a tough economic downturn and the Prime Minister took it upon himself, with total disregard for his own law that he advocated and passed, that elections are to be held every four years, to drop the writ and go to the polls in the fall.

During that period, the economy continued to sputter, Canadians lost jobs and hardship was brought upon the people of Canada. It was an unnecessary election. Nonetheless, we went to the polls and a decision was rendered by the people of Canada.

We came back to the House. We thought at that time that the government would accept and embrace its responsibility and come forward with some type of measure that would stop the bleeding in the Canadian economy. We understood that there were global impacts. We felt it was the responsibility of the government to come forward with some incentive or stimulus, a program that would at least soften the blow to Canadians who had lost their jobs.

However, it came out with an ideological update, and it threw this House into turmoil and chaos. I have never seen anything like it in my nine years in the House.

● (1035)

It is not too often that we get parties to unite on a single issue. However, the opposition parties came together because they knew that Canadians would not stand for the total disregard for the Canadian economy exhibited by the government through its economic update. Canadians had to make a strong point.

In an unprecedented move, the NDP and the Liberal Party, supported by the Bloc, came together and sent the message to the government that this was not acceptable, that it was going to hurt our country and hurt Canadians. We saw the coalition come together.

There were all kinds of opportunities for the Prime Minister. The decision he made was to see the Governor General and to prorogue Parliament, to shut down the operation of this chamber, to shut down the business of Canada for a seven-week period. For seven weeks there was no legislation brought forward. If we are looking at opportunities to bring forward legislation, I am looking back at the missed opportunities. That was truly unfortunate.

The House leader mentioned that there has been co-operation. I do not argue that point at all. When the budget finally was put together and presented in the House we, as a party, and our leader, thought the responsible thing was to do whatever we could to help as the economy continued to implode and sputter.

Jobs were still bleeding from many industries in this country. We saw the devastation in forestry. We saw the impacts in the auto industry. People's entire careers and communities were cast aside. Time was of the essence, so we thought the responsible thing was to look at the good aspects of the budget and support them. There was ample opportunity to find fault in any aspect of the budget, and it could have had holes poked in it, but we thought the single best thing we could do was to make sure that some of these projects were able to go forward, that some of the stimulus would be able to get into the economy so that Canadians' jobs could be saved and the pain could be cushioned somewhat.We stood and supported the budget, but we put the government on probation at that time.

We continue to see the government's inability to get that stimulus into the economy. The evidence is significant. The FCM, the mayors of the major cities, premiers of provinces, groups advocating for particular projects for a great number of months are looking for the dollars to roll out and they are wondering when that will be. It is just not happening. There is great concern.

We do know that part of the problem is the Prime Minister's and the government's inability to recognize the severity of the problem. When we look at some of the comments over that period of time that we were thrust in the midst of an election, a TD report, on September 8, 2008, said, "...we believe the global economy is on the brink of a mild recession". Scotiabank forecasted recessions in both U.S. and Canada.

The Prime Minister was denying it back then and saying there was going to be a small surplus. In November he said we were going to have a balanced budget. Then with the budget, he said maybe there will be a small deficit. With the ability of the Conservatives to calculate and their ability with numbers, we can see how far the government has fallen short, because the week before last we saw that a $50 billion deficit is now anticipated this year.

● (1040)

For the people at home, people who pay attention to these issues, that $50 billion is significant.

Just to get our heads around it, I remember three weeks back there was a very fortunate group from Edmonton who threw their toonies on the table and bought some quick picks and the next day they won $49 million. They won the lottery and that was great. If they were feeling charitable and brought that $49 million to the Minister of Finance to apply to the deficit, and then the next day they bought another bunch of tickets and won another $49 million and gave it to the finance minister, if they were to do that day after day, week after week, month after month, and if we factor in that we do not charge interest on this deficit, it would take 20 years to pay off that $50 billion deficit.

That deficit was supposed to be a small one. Two months before that, it was supposed to be a balanced budget; and two months before that, there was supposed to be a small surplus.

We have done our best. We have worked with the government as best we can to try to get that stimulus into the economy, to try to help generate some kind of economic activity within this country so that jobs can be saved and Canadians can continue to work. We know that we have had some successes here. Some 65% of the legislation put forward by the government has been passed.

We have worked with the government. We supported the war veterans allowance and the farm loans bill. Bill C-25, one of the justice bills, came through here the other day and was passed unanimously on a voice vote. We had Bill C-15 last night and we had the budget.

Regarding extending the hours, disregarding whether it was incompetence or whatever the political reasons and the rationale were to call the election and to shut down government through the prorogation, there were plenty of opportunities to avoid that and bring forward legislation.

I thought the government House leader was generous in his comments last week when he himself recognized in his comments on the Thursday question:

> ...I would like to recognize that, to date at least, there has been good co-operation from the opposition in moving our legislative agenda forward, not only in this chamber but in the other place as well.

That shocked a lot of people on this side of the chamber.

He continued:

> I want to thank the opposition for that co-operation.

We have certainly done our part over here, but we have great concern about the extension of the hours and the additional costs with that. We think the legislation that is coming forward now in various stages can be addressed during the normal times here. Certainly on this side of the House we want to make this chamber work. We want to make this Parliament work and will do all in our power to do so.

As of last night, seven of eight bills originating in the House, for which the government wants royal assent by June 23, have been sent to the other place.

Bill C-7, on the Marine Liability Act, passed third reading in this House on May 14. The transportation and communications committee in the other place is holding hearings on that now, so that is fairly far down the road.

● (1045)

Bill C-14, concerning organized crime and the protection of the justice system, passed third reading in the House on April 24, and it is in committee right now in the other place.

Bill C-15 just passed third reading. That is on the Controlled Drugs and Substances Act.

Bill C-16, An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment, passed third reading on May 13, and committees are already being held in the Senate.

We want to try to continue to work in these last days of the session. Certainly we want to continue to nurture and support the relationship on legislation that we can believe in, that is not totally offensive. In a minority Parliament, sometimes all parties have to put a little bit of water in their wine. We are certainly willing to do that. In our past record we have demonstrated that we are willing to do that and we will continue to do so.

However, we have a great deal of difficulty with regard to the extension of hours. We are not sure about the other two opposition parties, but just judging by the questions that were being posed today, I would think they are probably like-minded in this area and they are concerned about this proposal being put forward by the government.

We will be opposing the extension of the hours, and that is how we will vote on this particular issue.

● (1050)

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I listened with great interest to the remarks by the whip of the official opposition about the motion I brought forward today.

I am very disappointed not only that he indicated that the official opposition will be voting against the motion, but more importantly, I am very disappointed that he offered no compelling reason other than to revisit what he sees as slights from the past.

I was also more than a little surprised that he would stand up and actually brag about this so-called coalition of the three opposition parties, which went on just before Christmas when they tried to overthrow the democratically chosen government that Canadians chose last October, and why he wanted to revisit that particular period of our political history.

In all sincerity and honesty, I want to move forward, and I said this throughout my remarks. He quoted my remarks from last Thursday's question. I have no problem repeating them often, either in this place or to a television camera outside, that we have had great co-operation between all of the parties in getting a lot of the legislation through. However, as I laid out, there is much more to be done.

I want to look forward and move forward. He used the hockey analogy. I think if he and his colleagues vote against this motion to work just a little bit harder for Canadians, to try to get more legislation dealt with before the House rises, he will find himself in the penalty box.

Mr. Rodger Cuzner: Mr. Speaker, there has been a fairly good working relationship in the House, not just between the government House leader and the leader of the official opposition, but all House leaders. As well, the four party whips have worked hard to try to make this House function. I think we have had fairly good success.

In my remarks I tried to identify opportunities lost. By identifying them and going back, it seemed that through the coalition and then through the tabling of the budget in the new session the government seemed to wake up a bit and seemed to start taking the concerns of Canadians somewhat more seriously. So it has been productive, but by highlighting the opportunities lost, maybe this will not happen again. Maybe the government will continue to try to work with the opposition parties to make sure that legislation is processed, that input by the opposition is respected, and that we can do the best we can.

Canadians want to see this place function. Canadians want to see us do our job, and certainly that is what we will continue to do through the following days.

● (1055)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I listened to the Liberal Party whip's speech, which I feel makes a lot of sense. Like us, I think he has a hard time seeing how extended hours would be useful at this point, because there is so little on the legislative agenda.

That said, we could make a proposal to the Leader of the Government in the House of Commons. I would like to know whether he thinks this might be reasonable. Instead of being asked to give the government a blank cheque, it seems to me that the opposition parties and the Bloc Québécois would be open to this idea and might well allow the sitting hours to be extended until 10 p.m. one evening on a specific bill.

What this would mean is reversing the government's proposal. Instead of making a generalized extension and stopping debate on a bill by 10 p.m., it seems to me that the opposition parties might easily agree to extend the sitting hours occasionally and on a case-by-case basis in order to consider a bill when the debate is moving along well and might be completed during the evening. But a generalized extension seems completely unreasonable to me.

[*English*]

Mr. Rodger Cuzner: Mr. Speaker, I defer that question to our own House leader. Certainly, with his time in the chamber and his procedural expertise, I think he would be very willing. It seems like a reasonable request. So I would defer that to the House leader and hope that the House leaders might be willing to engage in that particular issue.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I was listening with fascination earlier this morning to our Conservative colleagues telling the Canadian public how much they like us, how much they want to work with us and how cooperative they have been. It is sort of like the crocodile offering carnations and a free picnic if we would just come down to the creek and sit with it a while.

Of course, they later showed their true faces when they accused the members of Parliament, who respect the will of Parliament, of somehow trying to overthrow the government. This is the same kind of insult they have thrown at us previously. They called us traitors. They called us seditious. I had members of Parliament from the Conservatives saying that we should be taken out and hanged.

Why was that? It was because we were using the rights we had within Parliament to hold the government to account. Yet it seems that with their proposals it is either their way or the highway. We brought forward the EI motion that came through the House of Parliament. They have ignored it. We brought forward motions that have been passed by the House of Commons on credit cards. They have ignored them.

If the House is to truly work, I would suggest to my hon. colleagues that there has to be respect for the will of Parliament. It cannot simply be this kind of abusive, insulting manner that we continually see from the government. It ignores the will of Parliament. It ignores bills that have been brought through and voted upon.

Given the fact that the Conservative government shows no willingness to respect the will of Parliament on bills and motions that have already been passed from the opposition, I would ask my hon. colleague why he thinks we should now, at this late hour, give the government a free hand to decide whatever it wants in the last few days.

Mr. Rodger Cuzner: Mr. Speaker, because of the turmoil that was brought upon us from September through to the prorogation and the fiscal update in January, the closing months here in the House have been unbelievable. I know it did nothing to instill any kind of confidence in Canadians about the parliamentary process here in this country.

However, there have been some gains made. There has been some good legislation passed in the last number of weeks and months. In a minority Parliament, we can only hope that members of the House continue to work hard, that legislation is brought to committee and that the committees do their work. We know that much of the spadework in the House is done at the committee level. We hope that they continue to do quality work at the committees and that we continue to use the last 10 days of this session to try to advance some legislation.

● (1100)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, my understanding of what has happened in the past with respect to extended hours is that it has been meant to bring certain legislation to a certain point of closure, like the end of second reading debate and referral to a committee or to deal with reports.

Many of the bills on the list are in the middle of second reading or they are at committee. Very few of them are actually ready to come before the House until they are either reported back from committee or debate is completed, like on Bill C-8.

Does the member believe there are enough of these items, or is this just a list like the other 10 justice bills that we had in the last Parliament that were never dealt with?

Mr. Rodger Cuzner: Mr. Speaker, the member's perception of this is absolutely right. My colleague has a great grasp on the procedural aspects of passing legislation. A number of those bills are out of the grasp of this chamber now as they are in the Senate.

With all that weighing in, we just do not see the merit in extending the hours. We are scheduled to sit until June 23 and we think the business can be done by June 23. We can accomplish what we should during the last days of this session.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am pleased to take part in this debate. In a way, it also gives us an opportunity to take stock of the past session. I would say that in our opinion, the whole legislative agenda in recent weeks and months has been very thin, and it is still very thin and in no way warrants extended sitting hours, as the government and the Leader of the Government in the House of Commons are requesting.

As you know and as the leader mentioned, this is the second year that the government and the Leader of the Government in the House of Commons have introduced this motion to extend sitting hours in June. Unfortunately, for the second year, we are going to have to say no. It is not because we feel compelled to say no every time. Moreover, the leader pointed out that in the past, even when there was a minority government, the opposition had agreed to support such a motion. But given the current legislative context, what the government is asking us is to give it a blank cheque from now until June 23. I will explain what I mean by that.

At the last two meetings of the House leaders and whips, the Leader of the Government in the House of Commons handed out proposed schedules up to June 23. Currently, four or five bills are being studied by parliamentary committees, and those studies should be completed shortly. We could see from the proposed schedules that before the end of the session, the government intends to debate new government bills when the House is not dealing with the bills coming back from committees.

What are these new bills the government intends to debate during the extended hours that are not taken up with the work already in progress in committees? This is extremely disturbing and that is where the government wants us to give it a blank cheque, which is unacceptable to the Bloc Québécois and, in fact, to all three opposition parties.

I will give an example. I am my party's democratic reform critic. What guarantee do I have that, during the extended hours, when the committee work draws to a close at its own pace—and it will go fairly quickly for most of these bills—the government will not decide to introduce a bill like Bill C-22, which was introduced in the past and was designed to increase the number of members from Ontario and western Canada and reduce Quebec's relative political weight? We would be very much opposed to such a bill. I would also remind hon. members, with respect to the potential reduction of Quebec's political weight in the House of Commons, that the National Assembly had unanimously passed a motion at the time, calling on the federal government to withdraw its bill. So I will certainly not agree to extended sitting hours so that the government can come back again with that idea.

I would also like to point out that we feel it is extremely important that the relative weight of Quebec's members in this House be maintained. Given the recognition of the Quebec nation by this House in November 2006, it is only natural that that nation's weight within an institution like this one should remain the same. It is often argued that the Constitution guarantees the 75 members from Quebec, but that argument is not enough. If we currently make up roughly 24% of this House, then that relative weight must be maintained.

The formula for doing so is still debatable. The number of members from Quebec could be increased proportionally. The remaining members could be distributed differently throughout Canada to ensure that this House will always have 308 members representing the entire country. But the fact remains that this is the sort of bill the government could introduce, taking advantage of the thin legislative agenda and the fact that we will have to fill time.

Consequently, the Bloc Québécois and I are not at all willing to give the government this blank cheque.

● (1105)

In practical terms, as the Leader of the Government in the House of Commons said, House committees are currently studying five bills. Of those, committees may report on three or four before the House adjourns for the summer. None of the bills is likely to be the subject of much debate or dissent from the opposition as a whole or even any one of the opposition parties. It is not hard to see that they will be passed quickly.

As I said, I am completely open to discussion, if ever the government thinks that a few extra hours would help wrap up a debate on a particular bill on a particular day. That is why, when I asked the official opposition whip a question earlier, I said that the government should approach things from the other direction rather than ask us to give it a blank cheque to extend sitting hours until 10 p.m. every day. The leader suggested that if we were to finish a debate at 8 p.m., we could see the clock as 10 p.m., but I think that it would be more logical to do things the other way around on a case-by-case basis. If the government needs more time to study a bill, it should ask the opposition to extend the sitting hours to debate a specific bill on a specific night.

As I said, unless the government is planning to introduce new bills that have not yet been announced, the fact that there is so little on the legislative agenda makes me worry that the government will have a hard time filling the 11 days we have left, let alone any extended hours. I have a hard time seeing how we will fill the schedule between now and June 23, and thus, once again, I cannot give the government a blank cheque to create an opportunity to debate bills that I am not currently aware of.

The official opposition whip and I have indicated that not only is the legislative agenda extremely thin, but it also fails to address the most critical issue at this time, which is the serious economic crisis we are facing. Consider the following example. Since May 15, when I held a press conference to denounce this thin legislative agenda, by the way, only five bills have been introduced. Three relate to justice, but none propose any solutions to address the economic crisis. We, however, have proposed some solutions.

I would like to show the people watching us here today the reality as it stands in the manufacturing sector in the regions of Quebec. Today I learned that in my riding, Graymont, a company that produces quicklime at its Joliette plant, is suspending production indefinitely.

I would like to quickly read the comments of Mr. Chassat, Graymont's director of operations for eastern Canada:

> The very serious economic downturn in eastern North America is affecting many of our major clients in the steel, metal, and pulp and paper sectors. This has led to a significant decrease in demand...

Naturally, since Graymont is a company that must generate profits or at least break even—we are not talking about a not-for-profit organization—the company will close that plant until demand rebounds.

Not only is it clear that the crisis is worsening, but certain sectors that had previously been spared are going to be affected. Graymont hires workers. Those workers will be unemployed and eventually, their consumer behaviour will slow down. Fewer services will be needed in the Joliette region. Graymont also uses subcontractors who will also lose business. They might eventually be forced to close their doors. Accordingly, it would have been crucial, and it remains crucial, to have a real plan for economic recovery.

● (1110)

It was not just the Bloc Québécois' expectation, but also that of the Conférence régionale des élus du Saguenay—Lac-Saint-Jean, which lamented the fact that none of the programs met the needs of the forestry sector. When programs in theory targeted this sector, they were not accessible because it was difficult to meet the bureaucratic criteria established by this government. We are not the only ones who believe that the federal government should have and must come up with a second stimulus plan.

We have made suggestions twice before: the first time in November, before the ideological statement by the Minister of Finance, and the second in April. Our proposals deal with both employment insurance, or assistance for workers affected by the crisis, as well as the companies affected. I would like to mention a few of these proposals. First, there was the elimination of the two week waiting period. The Bloc Québécois is very pleased to be able to say that we introduced a bill in this regard, which is currently being studied in committee.

We also proposed an eligibility threshold of 360 hours for all claimants, an increase in benefits from 50% to 60% of earnings and an income support program for older workers. This program existed in 1998 and was cut by the Liberals. Since that time, successive governments, Liberal as well as Conservative, have said they will reinstate it. The Minister of Human Resources and Skills Development said that she established a training pilot project but it is not an income support program for older workers that would allow older workers, over the fairly long term—from a few months to a few years—to bridge the gap between employment and retirement.

We did make several suggestions, but as I said, the government ignored them all. The Bloc Québécois would not be at all offended if the government decided to act on one or more of those suggestions. With respect to businesses, I want to add that we made a suggestion that would apply to all manufacturing sector businesses. A Corvée investissement program would enable the government to finance up to one-fifth of the cost of introducing new technologies. In the 1980s, Quebec's Corvée habitation program produced very good results for housing, and we took that as our inspiration. We suggested putting $4 billion into such a fund, which could generate investments worth about $16 billion if the total amount were used. The government wanted nothing to do with the idea.

I will raise a few other points and then get back to the issue of extending hours. The government has heard from us about loan guarantees and will continue to do so in question period. It is totally unacceptable for the forestry sector not to have access to loan guarantees. I will not get into the rhetoric spouted by the ministers from the Saguenay—Lac-Saint-Jean region. There are programs, but people are telling us that they do not qualify for those programs. So that means that we have ineffective, non-existent programs for people who are going through hard times.

As to refundable research and development tax credits, the whole industry wants this measure, which would enable businesses that are not making a profit to continue investing so they can be ready to compete when the economy begins to recover, which we hope will be as soon as possible.

I will conclude with two other examples of measures, such as the use of wood in the renovation and construction of federal buildings. I would remind the House of a very important figure. The assistance given to the auto sector is equivalent to $650,000 per job. No one is questioning the relevance of that assistance, although we would have liked to see more conditions attached. In comparison, the assistance given to the forestry sector amounts to $1,000 per job. In other words, the auto sector received 650 times more assistance than the forestry sector. We think this is completely unfair. Solutions must therefore be found for the forestry sector. We also suggested support for the communities affected by this very serious crisis.

Thus, we have seen some ideas concerning how the government should respond to the number one concern of Quebeckers and Canadians, namely, the economic crisis, as well as the insecurity they feel about their employment, their income and their families' futures.

● (1115)

As I said, nothing has been done, and the five bills that have been introduced since May 15, 2009, related to justice and public safety. In that regard, I must admit, the Conservatives have been very productive and I imagine the Minister of Justice is proud of that.

The problem is that, more often than not, the measures proposed have been populist measures that might interest a certain conservative following ideologically, but that are ineffective when it comes to maintaining a high level of security and well-being in Canadian and Quebec society. We are not questioning the importance of improving the justice system, but what the government is proposing has been more or less akin to aggressive therapy, rather than true modernization of the system.

Since Bill C-5 was introduced on May 8, 2009, no other bills have been introduced to help the thousands of workers who have lost their jobs. No bills have been introduced to help businesses in the manufacturing and forestry sectors, which have been so seriously affected by this crisis. None of those bills contained any measures to help regional economies and communities diversify. In fact, none of those bills would suggest that the government is aware of the magnitude of this economic crisis. Of course it is extremely difficult to understand the government's indifference.

However, now that we have heard the Minister of Natural Resources' comments, we perhaps have a better understanding of the Conservatives' political culture. We also see that the main concern of this minister is to boost her career and that the concerns of patients who do not have access to the isotopes or who are worried about the shortage are secondary. We also know that she finds the issue to be sexy. It is not the first time we hear such talk. Members will recall that, during the listeriosis crisis, the Minister of Agriculture and Agri-Food made some comments that were quite shocking.

This lack of empathy and the government's indifference, reflected in its legislative agenda, make it impossible to accept the motion tabled by the Leader of the Government in the House of Commons because—and this is the crux of the matter—they are asking the opposition to give them a blank cheque. By extending sitting hours we would have absolutely no idea of what we would be debating. It certainly would not be the legislation before us, which can be announced.

For example, this morning they announced a bill regarding a park, which does not pose a problem. In my opinion, after reading the bill, the opposition parties will quickly agree to passing the bill in the shortest possible timeframe. This type of bill does not pose a problem and does not require the extension of sitting hours.

As was the case last year, the Leader of the Government in the House of Commons did not convince us of the usefulness of extending sitting hours and that is why we are refusing. The opposition or the Bloc Québécois do not oppose extending sitting hours when the time is to be used productively, but they do not see the purpose of extending sitting hours just to pass the time or, even worse, to study surprise bills.

As I mentioned, there is also no guarantee that new bills will not be introduced, perhaps with the complicity of the Liberals, to ram things down Quebec's throat. We cannot run the risk, by extending the hours, of granting time for bills about which we know nothing.

Unfortunately, we have seen no evidence to suggest that the government would use extended sitting hours to deal with the economic crisis and help people who have lost their jobs and do not qualify for employment insurance because the criteria are too restrictive. Nor have we seen anything to suggest that these bills would help the forestry and manufacturing sectors. Not only do we have no guarantees, but we have not heard even the faintest suggestion that the government is interested in helping.

In closing, if the government makes specific requests to extend sitting hours to study specific bills at specific times, the Bloc Québécois will be open to talking about it. I will be open to talking about it. But right now, with the legislative agenda before us, I think that adopting the motion put forward by the Leader of the Government in the House of Commons would amount to giving the Conservative government carte blanche, and that is the last thing that the Bloc Québécois and Quebec want to give this government.

● (1120)

[*English*]

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I listened with great interest to my colleague, the Bloc House leader. I have one comment, and then I would like some clarification.

I have to take objection to his comment that he does not want to give the government a blank cheque when it comes to extending hours because then we would be able to introduce all sorts of legislation that the Bloc may not be in agreement with.

I would point out that that is absolutely not the case because, as the Bloc House leader knows, every time we get together on Tuesday afternoons in our House leaders meetings, the government lays out its proposed legislation for a two-week period. We certainly do that so that we will be able to consult with and inform all of our opposition colleagues as to the type of legislation we would be bringing forward.

The government House leader also pointed out that we would bring forward individual pieces of legislation every day, and the clock would not run automatically to 10 o'clock. Quite frankly, the House could close quite quickly after 7 o'clock or even before that, if we got through the piece of legislation that we were asking for.

My colleague from the Bloc said that he would be quite willing to entertain a system where we could identify individual pieces of legislation, and if the Bloc agreed on that legislation, it would agree to individual extended sitting hours on a daily basis.

From the government standpoint, we would be much appreciative if that was the position of the Bloc. We would certainly be willing to work with the Bloc if that was the case. I would just like to get confirmation from the Bloc member that his offer is sincere.

[*Translation*]

Mr. Pierre Paquette: Mr. Speaker, as I said, we are open to talking about it.

That does not mean that we will automatically agree to any request the government might make to extend sitting hours, but if debate on a certain bill were about to end and we still needed a few more hours, of course we would give that careful thought.

I want to add something else. I took a look at what was tabled every Tuesday for the past month. We have covered nearly everything the Leader of the Government wanted us to, as I said. He wanted bills in the House to be ready for royal assent; he got all but one of them—Bill C-6—and that is expected to happen around June 10. He wanted four bills to be sent to the Senate. Two of them are in the Senate. There are two more to go. So that makes three. Bill C-20 is in committee and should be back here soon. The parliamentary leader wanted the committee's report to be done by June, and that is likely to happen.

We have a problem with Bill C-19. I would remind the House that Bill C-8 and Bill C-23 were not included in the government's agenda that ends June 23. I therefore assume that the government does not plan to address those bills before the fall. We will debate them in the fall.

I therefore do not believe there is enough material to keep the House busy for 11 days from now until June 23. Once again, if we need to extend the sitting hours occasionally, the government can rest assured that the Bloc Québécois will be open to discussion.

● (1125)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the government laid out the bills that in the government's view were important to Canadians.

Bill C-26 on auto theft has been at the justice committee for some time now. Bill C-34 went to the justice committee yesterday. I do not know how the committee does two bills at one time. Bill C-35 was introduced on June 1. It has not even started second reading and I am sure second reading will take up a lot of time. Bill C-36 was introduced on June 5 and will ultimately go to the justice committee.

Bill C-6 is here in the House at report stage and can commence. That would certainly be one piece of legislation. Bill C-31, the tobacco bill, went to committee on June 3. The committee needs to call witnesses. We will not see that bill before June 23. Bill C-23, the Canada-Colombia free trade agreement, is the last one on the list in terms of government importance, and it would appear the government has no intention whatsoever of calling this bill because of the difficulties.

What the government has not included is Bill C-8, which I think is very important.

It appears to me the government has selected priorities which in fact are not the priorities of Canadians and do not justify extended hours for no progress whatsoever.

[*Translation*]

Mr. Pierre Paquette: Mr. Speaker, that is what I have been saying from the beginning. On May 15, 2009, I publicly expressed my concerns about how thin the legislative agenda was. Once again, I see things exactly as the member does. There is no need to extend the sitting hours to reach this government's objectives. From what I understand, Bill C-8 and Bill C-23 were not part of the government's objectives to be met by June 23. Personally, I do not feel they are part of what we need to address before the summer break.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, first of all I would like to thank my hon. colleague, the House leader for the Bloc, for his comments today because he laid out in a very rational and clear way how we should proceed in terms of dealing with the business of the House. He said in his remarks that this motion for extension of hours is a blank cheque. I would certainly agree with him on that. It seems the government is just saying "trust us, we are not going to bring anything else in, but it is just a matter of trust us".

It seems to me that the purpose of the House leaders meeting, where we get together every week, is to go over legislation, to make those decisions, and as the member knows, we do that. It has been the usual practice. Given the agenda we have, and I agree with him that it is a very thin agenda, I do not see any rationale why we would not continue with that practice to look at individual bills and decide whether or not there is agreement to speed them up and have them go through quickly. That practice has been working and the government's agenda will likely be fulfilled using that ongoing practice.

[*Translation*]

Mr. Pierre Paquette: Mr. Speaker, I agree completely with the House Leader of the New Democratic Party. I, too, find it difficult to understand. I think we all have the same views on the legislative agenda and agree that it is rather thin. Whenever we meet on Tuesday afternoons and the Leader of the Government in the House of Commons suggests that we speed things up, the opposition sometimes suggests bills that could be debated more quickly and we come to an agreement.

I do not understand why the government House leader was bent on moving a motion when he knows that the three opposition parties are not in favour of it. It certainly is not the way to obtain the opposition's cooperation. He arrives with a motion knowing from the outset that the three parties—the Liberals, the NDP and the Bloc—oppose it. So much for diplomacy 101.

● (1130)

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I would like to add to what was said by the House Leader of the Bloc Québécois. I do not wish to talk about the thin agenda and all the bills that have been passed but I believe, on the contrary, that we must save the House some time. However, there are good reasons for proposing a case-by-case approach and not giving a blank cheque to the government to extend the sitting hours of the House every evening.

I would also like to mention a fairly important argument, that of the cost of these extensions. A rather large number of people provide security for Parliament and MPs, as we can see from the number of RCMP vehicles around Parliament. What they do not know is that there are also many security guards inside. There are the interpreters who interpret our debates and the people who prepare *Hansard*. When the House sits late, those who put together *Hansard* and translate it must work very late, into the early morning hours.

During an economic crisis, when the projected deficit is $50 billion, these debates may not add much to that total, but the House, as the nation's highest government institution, should demonstrate frugality. If we are disciplined, we can easily cover what remains of the legislative agenda in the time we have left.

Mr. Pierre Paquette: Mr. Speaker, the member for Longueuil—Pierre-Boucher is absolutely right. Basically, if we had a good reason to extend sitting hours, the Bloc Québécois would support the motion. However, we really get the sense that the Leader of the Government and the government itself are doing this mostly for show, to demonstrate that although they want to work hard, we do not want to extend sitting hours. That is exactly why we have to refuse to extend sitting hours unnecessarily because we do not want to play the government's game. It would be tantamount to giving it a blank cheque and wasting taxpayers' money.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I rise on behalf of the NDP to participate in this debate which is about extending the hours of the House.

We heard the government House leader rise earlier and move a motion under Standing Order 27(1) to extend the hours of the House for the remaining 10 sitting days of the House, although he excluded the Fridays. So that is what we are here debating today.

Certainly, first off, I will be the first to acknowledge that the government has an opportunity to do this. We know that on the calendar, as the government House leader pointed out, there is a series of dates where this is a permissible and enabling thing that can be brought forward under the House rules to extend the hours of the House.

However, it has to be done by the will of the House. It cannot be unilaterally imposed by the government unless it is in a majority and it can get something through, but certainly in a minority Parliament situation, which is what we face today, that opportunity to extend the hours of the House has to be done with the co-operation and with the support of the opposition, or at least part of the opposition.

Therefore, what we are really debating today is whether or not there is merit in the government's motion to extend those hours. I have to say that listening to the speeches today both from the government and from the opposition members, there is a genuine reflection and a voice about whether or not there is merit, whether or not those operating hours should be extended.

It is not something that should be done lightly. The government House leader, in his remarks earlier at the beginning of the debate, said that the purpose of seeking the extension of the hours was "to set a goal each day of what we", and that means the government, "want to accomplish".

Then he talked about it as being a management tool. On the surface, using that very sort of diplomatic language of setting a goal each day of what the government wants to accomplish, we have to examine that and decide whether or not it is a legitimate thing that the government is requesting.

I think one has to look at that in the context of what has actually taken place in the House in this second session of the 40th Parliament, and whether or not the government has actually used the management tools that it has wisely and properly, and whether now that we are down to the last 10 days, it should be granted that opportunity to extend the hours of the House.

In speaking to that, I am looking at the merit of that request that the government has put forward this day. I want to point out some of the numbers of what we have actually dealt with. I think it is important in deciding whether or not we are now in a situation where we should be looking at extended hours.

We have seen something like 38 bills introduced by the government in this second session. If we take away the bills that have special rules, like the supply bills, then we are down to about 34 bills. Of those 34 bills, 22 have actually passed through the House of Commons. That works out to about 65%.

In actual fact, the government has accomplished a lot of its agenda already and there has been the passage of a fair amount of legislation that it has introduced.

What is also interesting is that of the bills that have been approved, about 20% of them were actually done in a fast tracked way. Some went through in a few moments, all stages of a bill; some went through in one day; some went through multiple stages in a day; about 20%.

I think that is very significant. That happened because there was discussion among the House leaders at our regular meetings and there was a sense of co-operation about what it was we thought we could take on, what matters were urgent, or they were basically things that we agreed with and we could agree that they should go through in a much faster way.

That is a significant thing. Twenty per cent of the government's bills have actually gone through the House in that kind of fast tracked way.

We know that now with the remaining 10 sitting days there are seven bills that are still in the House. Actually six of them are justice or public safety bills and probably five of them require not an extensive debate.

● (1135)

There are a couple of bills, some of which have been noted here today, that are very problematic certainly for the NDP and other opposition parties. If those bills come forward, we in the NDP are going to do everything we can to ensure that they are fully debated. In fact, we will try to defeat them.

The reality is that with 10 sitting days left, the hours we have for debate and what is on the legislative agenda, and as my colleague from the Bloc just pointed out a few moments it is actually a pretty thin legislative agenda, it is very likely that most of the bills that remain will go through the House and there will not be any kind of holdup.

There are other pieces of legislation that are very problematic. Certainly for us in the NDP, one of the bills that we are most concerned about and will do everything we can to defeat it is the Canada-Colombia free trade agreement, Bill C-23. In fact, we were very disappointed when Bill C-24, regarding the free trade agreement between Canada and Peru, received approval, with the NDP voting against it, just a few days ago.

I will mention, in the last day or two, the violence that has taken place in Peru against indigenous people, where people have been oppressed and murdered by government forces. It has been absolutely horrific. Yet, that bill went through.

I want to put on the record that if the Canada-Colombia free trade agreement bill comes forward, which the government to this point has held back and put at the bottom of its agenda, the NDP caucus will be fighting it tooth and nail. Every single one of our members will stand to debate that bill to point out and expose what a bad trade agreement it is. We take that very seriously.

However, those are the exceptions. Most of the bills before us are bills that will not be contentious but will require debate.

I want to make the point that I find it very ironic that time and time again we have heard the government House leader or other ministers stand and allege that particularly the NDP is holding up legislation. This has really floored me. I have spoken to some of the exceptions, but on most of those occasions we were talking about debating a bill at, say, third reading for a day. Even debating a bill for a day is somehow now characterized as holding up legislation and a delaying tactic. I find this quite astounding.

In parliamentary history, in terms of the business we do, we are here to debate legislation. We are here to go through it in a serious fashion and decide whether we support it in principle, whether it requires amendments, to take it through committee, and bring it back to the House. To debate a piece of legislation at second reading, third reading or report stage for a day or less than that is certainly not a delaying tactic.

I feel very offended that the government has chosen to take the line that anything debated more than a couple of hours is somehow a stalling and delaying tactic. That is what we are sent here to do, to represent our constituents, provide the opinions and perspectives of the people of Canada, and debate legislation that has enormous impacts on the lives of not only Canadians but sometimes globally, as we saw with the Canada-Peru agreement.

NDP members are not about to forfeit their duty and responsibility to debate that legislation in a fulsome way and make sure that all of the issues we believe are important are put forward in the House of Commons, in the Canadian Parliament. That is what we were elected to do and we take it very seriously.

● (1140)

I will go back to the issue of the government saying that this is a management tool and that it is being ever so thorough in using it. The government says that it wants to set a goal each day to do what it wants to accomplish. It really is a blank cheque. The government wants to have its cake and eat it too, instead of using the practice we have used continually, a practice that has worked relatively well.

The government House leader acknowledged in his opening remarks that there had been co-operation with the opposition parties, that there had been agreement on any number of items. Now we see this blank cheque approach. The government will make a unilateral decision and on any given day over the next 10 days, we will discuss this bill and that bill. The government will keep the debate going until 10 o'clock at night and we will not have any input into that. It will be a government decision.

If the Conservatives see that as a management tool, then it begs the question as to how they have managed their political and legislative agenda overall. If we look at the way they manage their business, we see quite a different picture.

We are talking about a government that prorogued the House on two occasions and killed its own legislation because of short-term political expediency. We saw it just before December. The government shut down Parliament in reaction to the opposition parties working together to represent the public interest with respect to what we needed to do with regard to the recession. That was very undemocratic. From the Conservative point of view, that was an incredibly successful management tool, but it was not in the interests of Parliament or the Canadian people.

At what is now the eleventh hour in the second session of the 40th Parliament, the Conservatives need to have extended hours for debate. They have to make their case for it. In listening to the government House leader today, I do not think they have done that. They have shown us that they want to go into overdrive by using this so-called management tool to suit their own purposes. They need to recognize that they are in a minority Parliament, where co-operation should be sought and where discussion can produce a positive result.

The NDP reacts very negatively to the idea that extended hours are needed at this time, not that at some other occasion they might be needed, but that opportunity is there.

The government has failed to make the case that it needs extended hours for the next 10 days to get through the very few bills that are left. If the Conservatives are thinking of bringing back some of the other bills like the Canada-Colombia free trade bill or the matrimonial real property bill, the NDP will fight them tooth and nail on those bills. We are not prepared to let those bills come forward. They have the choice of what they want to put on the order of business each day, but they know we will fight them.

We have come to the conclusion that the motion is simply not warranted. It is that straightforward. The business we have before us can be conducted. A number of these bills deal with justice and public safety issues. The government has been trotting out these little boutique bills one Criminal Code clause at a time. There has probably been a dozen of these bills. If there had been discussion, a number of those bills could have been brought forward in an omnibus bill. The government decided, again based on its political agenda, to bring in one bill at a time, so it could make a little showcase. This is really all the government has.

The Conservatives have completely broken down when it comes to dealing with the recession. They have even failed getting their economic stimulus package into local communities. They have completely denied the will of Parliament by refusing to act on motions on EI, which came from the NDP, or on credit cards and consumers protection.

● (1145)

Instead, what have the Conservatives done? Their management tools, their agenda has been to move bills out one at a time to take up an inordinate amount of time in debating them. If they had wanted to, they could have had some serious discussion about how to package some of them. I know our justice critic would have been open to such a suggestion and we would have taken it seriously.

If we consider that five of the six remaining bills could have been dealt with in a different way, then we can begin to see the government really does not have a case at all. It makes one wonder why the Conservatives would even bring forward this motion.

At the meeting of the House leaders we discussed it and I think the Conservatives had an inkling it probably would not be approved. Obviously they have some kind of political agenda. Either they want to bring something forward and try to ram it through or maybe they just think it is the political optics. However, we have to examine the motion in its real substance.

As I pointed out today, if we seriously look at the legislative agenda that remains, it is very clear the Conservatives are in a good position to receive support and to get the remaining bills through in the House. Therefore, why would we consider the extension of hours?

The New Democrat members of the House take our work very seriously. Whenever there have been motions in the House to rise early or to adjourn early, we have been the party to always oppose that. For us, this is not about saying that we do not want to be here. We are here in our seats and we are in committees.

If we look at the members of the House and the activity that goes on, we will not find a harder working caucus, even though we only have one member on each parliamentary committee. Our members work hard to bring forward initiatives. Whether it is on EI, or on arts and culture, or agriculture, or food safety, the NDP members initiate those items. This issue is not about whether we are here or not. We are here. We dedicate ourselves 100% to doing our public business, working for constituents and raising these very important issues about the economy, about what is hitting working people, about the unemployment, pensions and the travesty of the EI system. We do that here day after day, whether it is in question period, or in committees, or in meetings with delegations.

We have no problem with the principle of sitting late. Whether it is for take note debates or emergency debates, we participate in all of that and we do so fully and with a great measure of substance.

However, that does not escape the need to examine the motion for extended hours. We have come to the conclusion that it is a vacuous motion. It is not built on a rationale based on the business before us. The government simply has not made the case. If it had and if there was that imperative, that rationale, we would probably see a different response.

The practice of looking at each piece of legislation brought forward at the House leaders' meeting, involving our critics, and discussing whether there is agreement to move more quickly has worked. Why would we not continue to do that in the last 10 sitting days?

We see no reason to extend the hours, so we will vote against the motion.

● (1150)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I listened with great interest to my colleague, the House leader of the New Democratic Party. I would take issue with a few of the points she made, but I know we have limited time.

I am will paraphrase what the NDP House leader had to say, and I think my paraphrase is fairly close. She said that the government was in a very good position to get all its legislation through without having to extend sitting hours. I would merely ask a simple question. Will the NDP then agree to ensure that all the legislation we have called forward will be passed to the level at which we have asked it to be passed, either through to the Senate or at least committee? The House leader has that list. If she does agree to that, I do not see why there would be a need to extend hours either. However, the problem is we are not seeing that happen.

Again, speaking on behalf of her party, will she agree that all the legislation we have called forward will receive approval from the NDP and move on to the next step?

Ms. Libby Davies: Mr. Speaker, the hon. member is dreaming in Technicolor. He said that he was paraphrasing me, but he did not quite get close to it. What I said was there was some legislation in the remaining bills that was likely non-contentious, even if we opposed it. However, it is not contentious in terms of the length of debate.

Going through the list, it is very clear that there is some legislation that the government could have bundled together for a speedier passage. Even as we deal with the bills separately, they are not likely to be contentious in terms of the length of time. I was very clear and I repeatedly named legislation. I did not name it all, but I think the member knows the bills, most notably, the Canada-Colombia free trade agreement. The Conservatives want a blank cheque now, but they will not get one the other way either.

My whole point is that we come here to debate legislation and go through it on its merits. He suggests that everybody will roll over and just do it. The member is dreaming. Let him dream on, but it is not reality.

● (1155)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I tend to agree with the assessment of the hon. member, that there does not seem to be good faith in this motion. I expect the press release to come out, saying that the opposition parties are not serious about doing work. That is just not the case and I think we can prove it.

When we start this place each day, we say a prayer. In it, we say that we make good laws and wise decisions. Good laws take important debate in the House and good work in committees. If the government House leader and the parliamentary secretary wanted, as they put it, to act in the best interests of the country, they would call Bill C-23 on the Colombia free trade agreement and let us deal with a tough bill. They would also call Bill C-8 on matrimonial real property, which I do not believe enjoys the support of the majority of the House and which, if defeated, would give the government an opportunity to go back and commence negotiations and consultations with first nations in Canada so we could deal with an extremely important matter for Canadians.

Would the member agree?

Ms. Libby Davies: Mr. Speaker, I bet the press release is already written. It was probably written even before the government House leader stood up. The ink has dried and it is already out there somewhere. I am sure of the political optics of what the Conservatives are trying to say here. We know what they are up to.

In terms of some of the contentious bills such as the Canada-Colombia free trade agreement, if it does not come back, we are happy. If it comes back, we will debate it. We will do everything we can to hold it up because we do not want to see that bill go through. The labour movement, civil society and many people have taken note of the bill. I think the Conservatives know the NDP will fight that tooth and nail.

The only question I have is why the Liberals are not also taking up that bill and recognizing how it will trample on environmental, social and labour rights. That is the big disappointment. The Liberals have decided to abandon that and it appears they will vote with the government on that agreement.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, my hon. colleague mentioned optics and political agenda a couple of times. It is clear we have an agenda. The agenda is law and order. The agenda is to stimulate the economy. The agenda is to provide more trading opportunities for our farmers and manufacturers. That is what we would like to debate.

My colleague said that discussion produces positive results. We all agree with that. If the NDP disagrees with legislation before us, then let us debate it. Let members of the public see what we are debating and they can draw their own conclusions.

The other issue I had with my colleague's comments was that she said we had separate singular bills but we could have aggregated them. In the past when we have aggregated bills together, the NDP has said that we have hidden things within certain bills, which is erroneous because bills are printed for all to see.

Why would my colleague's party object to more discussion that brings about better results?

Ms. Libby Davies: Mr. Speaker, there is a big difference between using a budget bill to ram through significant changes to environmental regulation or using another budget bill to ram through changes that drastically change citizenship and immigration. That is very offensive.

I was speaking to some of the justice bills and the small changes to the Criminal Code. Some of those changes could have been bundled together and it could have been an omnibus bill. The government clearly chose not to do that. That is the government's prerogative, but we think it was a bad decision.

At the end of the day we are still faced with the question, has the government made the case that there is an imperative to extend the hours of operation for the legislation that we understand remains on the government's order paper? We cannot see that. There is no need to extend the hours of the House. It is not necessary.

We are not prepared to give the government a blank cheque to say day by day that it will make sure that certain legislation goes through. That is not what this place is about. This place should be about proper discussion. It is about negotiation, particularly in a minority Parliament. Unfortunately, the Conservatives still do not get that.

● (1200)

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I listened to the comments of the hon. member opposite regarding the extension of hours.

I am a new member and from my short time in the House, I have seen that the NDP has blocked every avenue in terms of our economic action plan, and yet members of the NDP complain.

Does the member not want this Parliament to work? Does she not want to help us move forward legislation that is needed in Canada?

Ms. Libby Davies: Mr. Speaker, we would very much like to see this Parliament work. We could begin by seeing the government implement two motions that were carried in majority by members of the House on EI changes and on changes to credit cards and support for consumers. If we want to talk about a democratic practice, then let us look at motions that have actually been approved but which the government refused to implement.

In terms of the government's performance on the recession, it has been abysmal. We voted against the budget. We voted against the government's so-called economic stimulus package, because we can see that what it has accomplished has been absolutely pathetic in terms of helping people. This place is about looking at those issues and debating whether or not the government has taken the right direction.

We hold the government to account, and the fact is it has failed those Canadians who are hurting right now, who are out of work and cannot get EI, who are worried about their pensions, who cannot afford their child care bills, who cannot afford to send their kids to school. We are very proud of the record we have in the House of defending those Canadians and defending those interests.

I come back to the point that no merit has been put forward for why we should extend the hours of debate in the House.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, it is a pleasure for me to speak to what I believe to be a very important motion to extend the sitting hours to allow all parliamentarians, not just members on the government side but all parliamentarians, to debate legislation brought forward by this government.

Before I begin, let me just make some comments for the hon. House leader of the NDP, a member whom I respect very much and with whom I disagree fundamentally on most issues, but that is to be expected. I have just a point of clarification.

The House leader from the NDP made mention in her presentation that she believed that at the House leaders meetings the government had an inkling the opposition was not going to support this motion. We really had no such inkling. The New Democratic House leader is quite correct that at the House leaders meetings on two or three occasions we brought forward the possibility of this motion being introduced. That is quite correct, but we had absolutely no indication from any member of the opposition that the opposition was going to oppose this.

In fact, we felt that this motion would go through fairly quickly because, as the government House leader pointed out in his presentation, only one time in recent history has a motion such as this one been rejected. Even in minority governments past, when the government of the day brought forward a motion to extend the sitting hours, it almost invariably passed. Opposition parties, during those configurations of government, understood that the government certainly has a right to bring forward a motion to extend the sitting hours to allow further debate on the government's legislative initiatives.

That is all we are saying here. We have a number of pieces of legislation that we feel deserve further debate. I have not heard one member of the opposition oppose that notion. Everyone who has risen today has said that he or she believes certain pieces of legislation initiated by the government received speedy passage because they had all-party support, but also that there were certain pieces of legislation which certain parties in the opposition opposed and those bills deserved further debate.

On one hand, the opposition parties are saying, "We disagree with this piece of legislation and we think it should be debated fully", yet on the other hand, they are denying the opportunity to do just that. It makes absolutely no sense to me whatsoever why they would argue both sides of a very fundamental question.

Clearly, the government of the day, regardless of what political stripe that government may be, will from time to time introduce legislation that will not find concurrence within Parliament. The government of the day has its own political agenda. We certainly are no different. We will be introducing pieces of legislation that we feel are very important for Canadians. We are not under any illusion that everything we introduce will be accepted and agreed upon by opposition members, but we do expect that at least we will have the ability to extend hours to further debate on those pieces of legislation before we rise for the summer and go home to our constituencies.

We have heard through the media and in this House on several occasions members from each of the three opposition parties say, "We think we need further debate on this". They chastise the government for trying to rush pieces of legislation through this House without proper debate, yet when we give them the opportunity to engage in meaningful and fulsome debate, what do they do? They vote against it. They say, "No, we do not want to extend the sitting hours. We are denying the opportunity of Canadians to listen to a fulsome debate, to understand more clearly the position of each of the parties in this Parliament".

All I can possibly conjure up from these disjointed and contradictory arguments is that the reasons the opposition parties give for their opposition to our motion are not reasons at all. They are excuses. I would point out to all members in this place that there is a huge difference between a reason and an excuse.

● (1205)

The opposition parties, in my humble opinion, are merely making excuses. The reason they are opposing this motion is they do not, number one, want to sit into the evening to debate these issues, and number two, they are somewhat timid about putting forward their positions in a fulsome debate on some of the more "controversial" pieces of legislation.

I can understand their timidity because on several of the pieces of legislation which we brought forward and the opposition members oppose, they have no case. I would argue that the majority of Canadians, if they were able to listen to these debates, would readily agree with the government's position and not that of the opposition members. I can think of no other reason that the opposition would deny extended sitting hours when in fact it has been commonplace in parliaments to do so.

As the government House leader pointed out quite effectively, it does not mean that on each sitting day that we extend hours would we have to sit until 10 p.m., not at all. If the opposition parties are sincere in their comments that they want to work with the government and pass pieces of legislation that they do agree with, we could be out of here within minutes of sitting into the evening. The government House leader has offered the opportunity to debate only one piece of legislation per evening. If that piece of legislation came to a successful conclusion, at that point the extended sitting would expire. We are not even expecting opposition members to interrupt their evening's festivities by sitting here until 10 o'clock each night, far from it. If we achieved a successful conclusion of the legislation introduced for that evening's sitting, we would conclude the sitting as soon as the legislation had been successfully passed. I cannot think of a more generous offer that any government could make.

I recall in previous parliaments when we sat into the evening, when opposition parties agreed with the government motion to extend the sitting hours, we would sit until 10 p.m. come heck or high water. Regardless of what legislation was introduced, if we passed one piece, we would go on to another. We are being far more generous than that in our offer to the opposition parties, yet we do not see any acceptance.

Again, I can only conclude the obvious, that there are no relevant or valid reasons to deny our motion, only excuses. It is getting toward the end of a long parliamentary session; we all know that. In a few short weeks we will be out of here, but this is our opportunity as parliamentarians to show all Canadians that we are sincere and serious in our desire to take the due time necessary to debate legislation which is important to Canadians.

I humbly request all of my opposition colleagues to vote in favour of this motion.

● (1210)

The Acting Speaker (Ms. Denise Savoie): It being 12:11 p.m., pursuant to Standing Order 27(2), it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the motion now before the House.

[*Translation*]

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.

● (1240)

[*English*]

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

(Division No. 83)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Allen (Tobique—Mactaquac)
Ambrose	Anders
Anderson	Ashfield
Baird	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Carrie
Casson	Chong
Clarke	Clement
Cummins	Davidson
Day	Dechert
Del Mastro	Devolin
Dreeshen	Duncan (Vancouver Island North)
Dykstra	Fast
Finley	Flaherty
Fletcher	Galipeau
Gallant	Glover
Goldring	Goodyear
Gourde	Grewal
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hill	Hoback
Hoeppner	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Mark
Mayes	McColeman
McLeod	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Paradis	Payne
Petit	Poilievre
Prentice	Preston
Raitt	Rajotte
Rathgeber	Reid
Richards	Rickford
Ritz	Saxton
Scheer	Schellenberger
Shea	Shipley
Shory	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Tilson
Toews	Trost
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wong	Woodworth
Yelich	Young– — 134

NAYS

Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Bachand
Bagnell	Bains
Beaudin	Bélanger
Bellavance	Bennett
Bevilacqua	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brison
Brunelle	Byrne
Cannis	Cardin
Carrier	Charlton
Chow	Christopherson
Coady	Coderre
Comartin	Cotler
Crombie	Crowder
Cullen	Cuzner
D'Amours	Davies (Vancouver Kingsway)
Davies (Vancouver East)	DeBellefeuille
Demers	Deschamps
Desnoyers	Dhaliwal
Dhalla	Dion
Dorion	Dosanjh
Dryden	Duceppe
Dufour	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Easter
Eyking	Faille
Folco	Foote
Fry	Gagnon
Garneau	Gaudet
Godin	Goodale
Guarnieri	Guay
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	
Harris (St. John's East)	Holland
Hyer	Ignatieff
Jennings	Kania
Karygiannis	Laforest
Laframboise	Layton
LeBlanc	Lee
Lemay	Lessard
Lévesque	MacAulay
Malhi	Malo
Maloway	Marston
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	McCallum
McGuinty	McKay (Scarborough—Guildwood)
McTeague	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Mendes
Minna	Mulcair
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Nadeau
Neville	Oliphant
Ouellet	Pacetti
Paillé	Paquette
Patry	Pearson
Plamondon	Pomerleau
Proulx	Rodriguez
Rota	Roy
Russell	Savage
Scarpaleggia	Siksay
Simms	Simson
St-Cyr	Szabo
Thi Lac	Tonks
Trudeau	Valeriote
Vincent	Volpe
Wasylycia-Leis	Wilfert
Wrzesnewskyj	Zarac– — 138

PAIRED

Nil

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

[*Translation*]

PETITIONS

EMPLOYMENT INSURANCE

Mr. Pierre Paquette (Joliette, BQ): Madam Speaker, I am pleased to present a petition signed by over 400 citizens primarily from the Lanaudière region who have cancer or have had cancer in the past. These 400 or so people are calling on the government to increase the period for which employment insurance is available for people afflicted with serious illnesses like cancer from 15 weeks to 50 weeks. This is something that many groups have been requesting for some time. On their behalf, it is my pleasure to present this petition calling for 50 weeks of employment insurance benefits in cases of serious illnesses.

[*English*]

PUBLIC SAFETY OFFICERS COMPENSATION FUND

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, pursuant to Standing Order 36, and as certified by the Clerk of Petitions, I am pleased to present yet another petition concerning the plight of families whose public safety officer spouses have been killed in the line of duty.

The petitioners would like to point out that police officers and firefighters are required to place their lives at risk in the execution of their duties on a daily basis, that the employment benefits for police officers and firefighters often provide insufficient compensation to the families of those who are killed while on duty, that the public mourns the loss when one of them loses their life in the line of duty and that they wish to support in a tangible way the surviving families at their time of need.

Therefore, the petitioners call upon Parliament to establish a fund known as the public safety officers' compensation fund for the benefit of the families of public safety officers who are killed in the line of duty.

CANADIAN BROADCASTING CORPORATION

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I am very proud to rise to present a petition signed by the good people of the north from Timmins, Cochrane, Kapuskasing, Smooth Rock Falls and Monteith. They are concerned about the crisis in funding at the CBC and the complete failure of the federal government to work to secure the public broadcaster.

We have seen major job losses across northern Ontario. The ability of the public broadcaster to reflect a vast region of the country has been severely compromised because of the government's refusal to work on a bridge financing plan. The petitioners point out that the bridge financing plan presented to the government would not have cost the taxpayers a single cent.

We see the federal government's ongoing hostility to the public broadcaster in Canada. It is certainly upsetting to the people of northern Ontario who are dependent upon CBC for their radio coverage.

The petitioners are calling upon Parliament to push the government to start living up to some of its basic obligations to ensure a vital and strong public broadcaster in this country.

● (1245)

ANTI-BULLYING DAY

Mr. Mike Allen (Tobique—Mactaquac, CPC): Madam Speaker, I am pleased to rise today to present a petition signed by several thousand people from my riding and clear across Canada, drawing attention to the issue of bullying in Canada and the serious problem we face.

Many organizations are trying to prevent this in our schools, as well as the problems that arise later on. They are asking Parliament to declare December 17, Blue Day, an official day to recognize the work of these organizations in Canada.

Some have stressed how a recent TV show on MTV has played up bullying as a normal course of events. The petitioners are seriously concerned that this TV show plays up bullying as something that can be dealt with force on force when that is not what we should be trying to do.

RIGHTS OF THE UNBORN

Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.): Madam Speaker, I rise today to present a petition on behalf of my constituents.

As citizens of a country who respect human rights under the Charter of Rights and Freedoms, the petitioners draw attention to the right to life, even for the unborn. The petitioners call upon Parliament to pass legislation that will guarantee the protection of human rights from the time of conception until natural death.

FALUN GONG PRACTITIONERS

Mr. Laurie Hawn (Edmonton Centre, CPC): Madam Speaker, I have the honour to present three petitions.

In the first, the undersigned residents of Canada draw the attention of the House of Commons to the fact that since July 1999 the Chinese Communist Party has launched an eradication campaign against Falun Gong.

They urgently call upon the Canadian government to help stop these atrocities by taking the following actions: condemn the Communist regime for committing these crimes against humanity; urge the Chinese regime to end the persecution of Falun Gong and release all Falun Gong practitioners; and take active measures to help stop the mass killing and organ harvesting of Falun Gong practitioners.

AUTOMOTIVE INDUSTRY

Mr. Laurie Hawn (Edmonton Centre, CPC): Madam Speaker, in the second petition, the petitioners call upon the Government of Canada to compel vehicle manufacturers to make service and repair technical information and tools available to independent service providers at a fair price, which is done in other jurisdictions, by passing and implementing appropriate measures. This is from the constituents of Edmonton Centre.

CHILDREN IN SEPARATION OR DIVORCE

Mr. Laurie Hawn (Edmonton Centre, CPC): Madam Speaker, the third petition is again from the constituents of Edmonton Centre, submitted on behalf of the children of separation and divorce, the petitioners call upon Parliament to base legislation on incorporating the rights of children and principles of equality between and among parents.

* * *

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. 147 and 150.

[*Text*]

Question No. 147—**Hon. Bob Rae**:

With respect to the Canadian foreign aid committed to the ongoing conflict in Sri Lanka: (*a*) how is aid being delivered to the conflict zone, by which international channels and organizations; (*b*) where is the money going and toward which specific initiatives; (*c*) how are decisions about funding allocations made and based on what recommendations; and (*d*) what, if any, accountability measures are in place to assure that the funds are reaching identified recipients?

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, in response to a) CIDA is providing assistance to trusted humanitarian partners through multilateral, NGO and Red Cross channels. Specifically, the organizations receiving CIDA funds are: the United Nations High Commissioner for Refugees, UNHCR; the United Nations World Food Programme, WFP; the International Committee of the Red Cross, ICRC; Médecins Sans Frontières/Doctors without Borders, MSF; Care; Oxfam Canada and World Vision.

In response to b) CIDA funding has been provided in response to appeals for humanitarian operations in Sri Lanka from UN partners and the ICRC and based on proposals from Canadian NGOs. Since January 2009, CIDA has provided $7.5 million in humanitarian funding in Sri Lanka this year to partners for the provision of humanitarian assistance, including food, medical assistance, emergency shelter, protection, clean water, and sanitation services activities.

These funds were allocated as follows:		
ICRC	$2,750,000	ICRC Emergency Appeal 2009/Sri Lanka;
UNHCR	$1,250,000	Sri Lanka Common Humanitarian Action Plan 2009;
WFP	$1,000,000	Sri Lanka Common Humanitarian Action Plan 2009;
MSF	$1,000,000	"Vavuniya Surgical Support, Sri Lanka", and "Specialized Medical Care in Manthikai Hospital";
CARE	$500,000	"Emergency Relief Project for Conflict-Affected Populations in Northern Sri Lanka";
Oxfam Canada	$500,000	"Emergency Public Health and Shelter Program in Conflict-affected Districts of Northern Sri Lanka";
World Vision	$500,000	"Northern Sri Lanka: Emergency Response for Conflict Affected IDPS, and "Sri Lanka Northern IDP Response".

In response to c) CIDA's International Humanitarian Assistance Directorate reviews emergency appeals issued by multilateral partners and the ICRC and project proposals submitted by NGOs. Following consultations with CIDA's Sri Lanka geographic program, Canada's Embassy to Sri Lanka, and other government departments, a recommendation is made to the Minister of International Cooperation for approval. In general, CIDA supports appeals that: provide a thorough assessment of the situation and humanitarian needs; respond to the most critical humanitarian needs in a given situation; come from organizations in a given context that have a proven capacity and are the best placed to deliver effective programming; operate in an environment that is conducive to the delivery of humanitarian activities, for example, questions around security, access of our partners to the affected populations.

In response to d) Potential partners are vetted based on their reputation, capacity to respond and proven track record and appeals and proposals are considered based on their ability to meet the most urgent needs of affected populations.

CIDA staff located in Colombo at the Canadian embassy monitors ongoing projects. CIDA has also deployed one of its humanitarian officers to Sri Lanka to monitor programming and the general situation as it has evolved over the past weeks. CIDA has weekly calls with its NGO partners to get the latest report on their activities and the situation on the ground. CIDA also relies on a range of external sources that report on the situation: UN and Red Cross situation reports, OCHA's Integrated Regional Information Network, IRIN, media reports, et cetera.

All partners are required to submit final financial and narrative reports demonstrating the results achieved with the funds provided by CIDA. Further, with regard to multilateral partners and the ICRC, CIDA holds a position on executive boards/committees and donor support groups that allows the agency to be briefed on the use of Government of Canada funding and the extent to which needs of beneficiaries are being met.

Question No. 150—**Mr. Peter Julian**:

With respect to Canada's humanitarian, reconstruction and foreign aid to the Palestinian people living in the occupied Palestinian territories: (*a*) what is the current status of the $300 million in foreign aid originally pledged in 2006 and re-pledged March 3, 2009 in Sharm el Sheikh, Egypt; (*b*) what progress was made on delivering these funds in the interim period between its original pledge and its re-pledge; (*c*) what are the delivery mechanisms for this aid and what department is responsible for the file; (*d*) what are the terms of reference for this file, and what are the timelines for delivery; (*e*) what proportion of these funds have been earmarked for Gaza and what are the proportions for each (i) reconstruction, (ii) humanitarian aid; (*f*) given the lack of construction materials within Gaza and the constrained flow of material into Gaza, what provisions have been made to ensure reconstruction; (*g*) what discussions, if any, have taken place with the Government of Israel to ensure protection of Canada's investment in Gazan infrastructure; (*h*) what proportion of the $300 million has been earmarked for the operational budget of the Fatah-led Palestinian National Authority (PA), based in Ramallah, West Bank and what aspects of the PA's budget will benefit from these funds; (*i*) given the PA's inability to operate in Gaza, what operational caveats were placed on those portions of the $300 million earmarked for Gaza to ensure delivery; (*j*) what is the current status of the $4 million announced by the Government of Canada on January 7, 2009 for humanitarian aid at the height of Israel's military operation on Gaza, to be divided between the United Nations Relief and Works Agency for Palestinians in the Near East and the International Committee of the Red Cross and the Red Crescent; (*k*) what commitments, if any, were made to deliver these funds in a timely manner to the people for whom they were allocated and how did they help alleviate the suffering of civilians under duress as a result of Israel's bombardment; (*l*) were these funds delivered (i) if not, why, and what is the current status of the funds, (ii) if so, how, and what were the delivery mechanisms for this aid, the Canadian federal department responsible for the file and the terms of reference for the file; (*m*) what were, or are expected to be, the concrete outcomes of the funds in terms of medicines, foodstuffs, shelter, water or other material; (*n*) was the aid delivered, or will it be delivered, through Egypt or Israel; (*o*) was the aid at any point inhibited by Israel's restrictions on aid flow during the military operation and, if so, what plans, if any, does the government have to hold public debate on this matter and how will this affect future Canadian aid flow to Gaza; and (*p*) what other funds have been allocated by the government for Gaza?

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, in response to a) The $300 million, five-year pledge was made at the Paris Donors' Conference in December 2007.

The Canadian International Development Agency, CIDA, is responsible for the disbursement of $50 million a year over five fiscal years (2008-09 to 2012-13) for a total of $250 million of the $300 million pledge. The funds are being disbursed as part of the building of courthouses as well as the training of judges. Canada's commitment is conditional on both the pace of Palestinian reform and the progress in the Middle East peace talks. The government of Canada evaluates these conditions in consultation with its allies and other donors.

In response to b) In fiscal year 2008-09, disbursements from CIDA's West Bank and Gaza bilateral program, including regional programming, amounted to $51 million.

In response to c) CIDA, DFAIT and DND are each responsible for their own commitments under the pledge. CIDA uses Canadian partners, international non-governmental organizations, UN agencies and other multilateral organizations.

In response to d) The terms of reference are set by the announcement of the Government of Canada at the Paris Donor's Conference. The timeline for delivery is set over the five-year period from 2008-09 through 2012-13.

In response to e) No set proportions of the $300 million, five-year pledge have been established for humanitarian assistance in Gaza.

In response to f) CIDA does not intend to finance reconstruction efforts in Gaza.

In response to g) CIDA has not had discussions with the Government of Israel regarding reconstruction in Gaza as CIDA is not financing reconstruction in Gaza.

In response to h) CIDA has not set a specific proportion of the $300 million, five-year pledge to be used as budge support for the Palestinian Authority.

In response to i) CIDA chooses partners such as United Nations Relief Works Agency, UNRWA, that have the capacity to deliver aid in Gaza.

In response to j) The funds were fully disbursed to UNRWA and the International Committee of the Red Cross, ICRC, in mid-January 2009.

In response to k) CIDA chooses experienced partners with the capacity to deliver and distribute aid into Gaza. Funding helped provide water, food and hygiene kits, as well as emergency shelter and essential household goods. It also helped provide water where supply had been disrupted. It helped supply repairs to damaged homes, cash assistance for temporary accommodation, medical treatment and fuel to municipalities and utilities to provide public services.

In response to l) The $4 million in assistance announced on January 7, 2009 was delivered. Grant agreements were the delivery mechanism. The terms of reference of the assistance were set out in the contracts signed with UNRWA and the ICRC. CIDA was the federal department responsible.

In response to m) The expected outcomes to which CIDA contributed were: basic food packages to 130,000 families, temporary emergency shelter and non-food items for up to 5,000 displaced persons, repair of 5,000 damaged or destroyed shelters, provision of cash assistance to families for temporary accommodation and medical treatment, 500,000 litres of fuel to municipalities and utilities for public services, providing water to communities, emergency rehabilitation of water treatment facilities serving 400,000 people in the WestBank and Gaza, providing food and hygiene kits to cover the needs of up to 3,000 households, providing emergency shelter and essential household equipment to up to 1,000 households, and providing emergency medical care and supplies including 2,000 first aid kits, surgical equipment for 10 hospitals, supplies for and facilitating the movement of ambulances.

In response to n) The assistance was delivered through Israel.

In response to o) CIDA has chosen partners such as UNRWA and the ICRC that have the capacity to work in Gaza and deliver projects.

In response to p) In addition to the funds approved for UNRWA and the ICRC in January 2009, CIDA is supporting projects from a number of trusted partners, including the World Food Program, United Nations Development Program and UNICEF.

* * *

[*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 Question No. 146 could be made an order for return, this return would be tabled immediately.

The Acting Speaker (Ms. Denise Savoie): Is it the pleasure of the House that Question No. 146 be made an order for return and that it be tabled immediately?

Some hon. members: Agreed.

[*Text*]

Question No. 146—**Hon. Bob Rae**:

> With regard to Passport Canada, since January 2008, by month and region: (*a*) how many part-time service agents have been hired; and (*b*) how many full-time service agents have been hired?

(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.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed from June 8 consideration of the motion that Bill C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions), be read the second time and referred to a committee.

The Acting Speaker (Ms. Denise Savoie): The hon. Parliamentary Secretary to the Minister of Justice has about nine minutes left for his comments.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, it is a privilege to rise to speak further to Bill C-19, which deals with provisions that had sunsetted under the Anti-terrorism Act.

These important provisions are known as the investigative hearing and recognizance with conditions provisions. They would allow our police officers to take steps that have been considered and steps that have the appropriate safeguards in place to ensure the rights of all concerned, but steps which may be necessary from time to time to prevent or to investigate a serious or imminent attack on Canada and Canadians

When I was last speaking, I was talking about the human rights concerns that had been raised over the course of debate on these provisions. I did want a chance to reflect on those concerns and address them, and assure the House that appropriate safeguards are in place.

Both the investigative hearing and the recognizance with conditions provisions as provided for in this legislation are replete with human rights safeguards.

With respect to the investigative hearing, these safeguards would include the following.

First, there could be no investigative hearing without the consent of the relevant attorney general.

Second, only a judge of the provincial court or of a superior court of criminal jurisdiction could hear a peace officer's application for an information gathering order and could preside over an information gathering proceeding.

Third, there would have to be reasonable grounds to believe that a terrorism offence has been, or will be, committed.

Fourth, the judge would have to be satisfied that reasonable attempts had been made to obtain the information by other means for both future and past terrorism offences. Further, the judge could include any terms and conditions in the order that the judge considered to be desirable to protect the interests of the witness or third parties. The witness would have the right to retain and instruct counsel at any stage of the proceeding.

Finally, the bill would incorporate protections against self-incrimination, including in relation to the derivative use of the evidence in further criminal proceedings against the person testifying, except for perjury or giving contradictory evidence.

Members should also be reminded that the Supreme Court of Canada upheld the investigative hearing in 2004 in application under section 83.28 of the Criminal Code. I would note in this regard that the Supreme Court of Canada stated that the protection against self-incrimination found in the investigative hearing was greater than that afforded to witnesses compelled to testify in other proceedings, such as in a criminal trial.

As to the recognizance with conditions, it too would have many human rights safeguards, such as the following.

First, the consent of the relevant attorney general or solicitor general would be required before a peace officer could lay an information to bring a person before a provincial court judge.

Second, only a provincial court judge could receive an information, and would have the discretion as to whether to cause the person to appear before him or her.

Third, the presiding judge would have to be satisfied by evidence that the suspicion was reasonably based. The judge would have to come to his or her own conclusion about the likelihood that the imposition of a recognizance on the person would be necessary to prevent a terrorist activity.

● (1250)

Finally, the person entering a recognizance would have the right to apply to vary the conditions under the recognizance order.

Experience has also shown that when these tools were part of our law, the investigative hearing was invoked only once, in connection with the Air India inquiry, and the recognizance was never used. This demonstrates the restraint that the law enforcement officials have exercised and would continue to exercise in deciding whether to use these powers.

The government is proposing that both the investigative hearing and the recognizance with conditions provisions be re-enacted for a period of five years.

At the end of five years, the bill would allow for further extension of one or both of these provisions. The task of deciding whether further extension is necessary would be informed, in part, by the mandatory review of the provisions found in the bill.

As well, the mandatory annual reports of the Attorney General of Canada and the Minister of Public Safety would detail the use of the provisions by federal officials and provide the minister's reasons regarding the usefulness of the provisions.

I believe that the investigative hearing and recognizance with conditions powers are necessary, effective, and reasonable. I urge all hon. members to support the bill.

● (1255)

Hon. Larry Bagnell (Yukon, Lib.): Madam Speaker, I would like to thank the member for a very comprehensive explanation of the bill, and of course we are very supportive of the concepts of the bill. He gave a good explanation of one of the elements that the committee had recommended, which the government did not follow up on, in regard to the historical claims.

I wonder if there are any other recommendations from either the House or the Senate committee that were not followed up on and could the member explain the rationale for that?

Mr. Rob Moore: Madam Speaker, in fact, many of the recommendations that were made both by the parliamentary committee, which studied these provisions, as well as the Senate committee, which studied these provisions, have been adopted. I can mention one of them specifically, which is that the change that would clarify the judicial power to order things into police custody at the investigative hearing would be discretionary rather than mandatory.

As we know and the hon. member is well aware, the investigative hearing provisions had in fact been considered by the Supreme Court in a case and held to be constitutional. This proposed amendment would bring the bill and the provisions further in line with the ruling of the Supreme Court in that regard.

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I think that all Canadians have seen what happens when there is a substantial departure from Canadian legal tradition. In the recent case of Mohamed Harkat, we saw what happens when trials are held in secret, cross-examination is truncated, and evidence is presented to people without the presence of the accused and their lawyer.

This bill proposes amendments to the Criminal Code that deepen these problems. They relate to putting in place investigative hearings where people can be compelled to attend a hearing and to answer questions. In other words, the historic right to remain silent is abridged by this government bill, and preventative arrest, where individuals are detained not because they have committed any act but because they might, which goes against the historic presumption of innocence in this country.

I wonder if my hon. colleague could comment on why the government wants to abridge these two important rights, and I would point out that because something may be constitutional, it does not make it right.

Mr. Rob Moore: Madam Speaker, honestly, I am actually a little shocked at the question. Who among us in this chamber would not rather prevent an imminent terrorist act than have to deal with the tragic consequences of that act?

These provisions not only have not been abused but they have not been used except in one case, so obviously law enforcement are using extreme discretion on the use of these provisions. Yes, these provisions are new. They came in, under a previous government, under the Anti-terrorism Act, and they are designed to act in a constitutional manner to prevent some of the most serious terrorist acts that could take place right here on Canadian soil.

I will mention, for the hon. member's benefit, the safeguards to which I referred earlier. There can be no investigative hearing without the consent of the Attorney General. Only a judge of a provincial court or of a superior court can hear a peace officer's application. There would have to be reasonable grounds to believe that a terrorism offence has been or will be committed.

I will not enumerate the rest of the safeguards that I had in my speech, but as the member should be aware from having listened to my speech, there are numerous safeguards in place. The investigative hearings have been considered by the Supreme Court of Canada and held to be constitutional. When we have to weigh bringing in legislation like this against protecting Canadians from an imminent terrorist act, we have to take steps to protect Canadians.

Mr. Mark Holland (Ajax—Pickering, Lib.): Madam Speaker, going forward we must ensure there is proper oversight. Would the government consider the possibility of both houses reviewing the bill instead of one house reviewing the bill, as is currently worded in the legislation?

The last time this bill was undertaken, the member said in his speech, quite rightly, that there were important changes and amendments made by the Senate. How would the member feel about further reviews involving both houses to ensure a more rigorous review process and the possibility of a review within three years rather than five years to ensure there is vigilant oversight?

● (1300)

Mr. Rob Moore: Madam Speaker, a review of the provisions is part and parcel of the bill. When these provisions were originally included in the Anti-terrorism Act, there were sunset provisions. There was lengthy debate in the House on those provisions. Many good points were raised and responded to.

These provisions have been considered by a Senate committee as well as the House of Commons. Recommendations that flowed from the Senate and recommendations that flowed from the House have been incorporated into this bill. There is a five-year review, whereupon these provisions would have to be reconsidered. There is also mandatory reporting. It is from that mandatory reporting that we know the investigative hearing provisions have only been used once and the provisions on recognizance have not been used.

The provisions themselves are working quite well. In fact, even if this bill passes and these provisions are back in place, we hope that they are never used, but that they are there so that in a case of extreme threat to our country and Canadians, they can be used.

Mr. Jack Harris (St. John's East, NDP): Madam Speaker, I think Canadians' sense of justice is affected by this bill. In fact, I think it is recognized in the bill itself that the bill comes from a previous bill that had a sunset clause. The provisions were deemed, even by the Parliament that passed them years ago, to be of a type that should die unless there was reason brought forward to continue or renew them.

These provisions died a natural death in 2007. As a result, they have not been in force. There has not been any reported problem associated with this. No one in the media or the press has mentioned that this tool was sadly lacking in a particular case. We think that this provision is not necessary. When a bill allows for imprisonment for up to 12 months or strict recognizance conditions on individuals who have not been charged with any crime, it is contrary to the core values of our justice system.

I do not see why the government is bringing this back in. Can the Conservatives give any justification at all for bringing this back in when the bill died without being renewed, as it was intended to?

Mr. Rob Moore: Madam Speaker, I can give justification as to why we bring them in. We want police to be able to prevent an imminent terrorist attack. Is it that hard to understand? These provisions allow for cases where the police have reason to believe that a terrorist attack on Canadian soil is imminent. That means it has not taken place yet, but it is about to take place. Under the provisions of this bill, there has to be reason to believe that a terrorist attack is imminent. As I mentioned before, our goal should be to prevent that attack. Without these tools in place, the police do not have the appropriate tools to prevent that attack. These provisions allow for the mechanism to prevent an imminent terrorist attack.

I have enumerated the safeguards in the bill a couple of times. The safeguards are numerous. The provisions have been considered by the Supreme Court of Canada and have been found to be constitutional. We have to act to protect Canadians.

● (1305)

Mr. Mark Holland (Ajax—Pickering, Lib.): Madam Speaker, I am pleased to speak to Bill C-19.

One of the most difficult balances we have in dealing with public safety is the balance between collective security on the one hand and individual freedoms and individual civil liberties on the other. It is a difficult balance, particularly in the wake of the events of 9/11, with which we have been challenged, not just our country, but countries in all parts of the world as they have tried to manage a process of ensuring the safety of the general population while at the same time making sure that terrorism does not undermine the very freedoms that define our society.

We have these two balancing interests. On the one hand the government makes the point, and it is well made, that there can be extenuating circumstances, situations where collective security is put in deep peril, where there is an impending terrorist threat that demands immediate action, where police need to be given every tool at their disposal to get answers and to prevent disaster from happening. Canadians would expect nothing less than that.

On the other hand there is an equally important assurance that needs to be made that those tools, those exceptional powers, would only be used in the most extreme circumstances. They would only be used in examples where there was an imminent threat and something that presented a serious risk to public security and public safety and that these powers would not be abused. In this regard, oversight becomes exceptionally important. As a Parliament, we need to look regularly upon this and ensure that the proper balance has been struck.

As we have seen western democracies struggle with this balance, this pull in both directions, we have seen errors made on both sides. There have been some states that have clearly gone too far and have jeopardized individual freedoms far too much for very little gain in terms of public safety. On the other hand there are those that have not taken action, have not given law enforcement officials and those on the front lines stopping terror the tools they need to do their job. That is where we are with this particular bill.

When the government first introduced its legislation after the sunset clause had been completed, it was clear that was greatly deficient. There were a number of problems. The Senate studied it. The Liberal senators did an enormous amount of work, along with others, but it was led particularly by the Liberals in the Senate. They tried to rebalance the bill, to make sure that those two competing priorities were met. I think they did an excellent job in that regard.

I will go over exactly what we are talking about and give an analysis of some of the reasons, at this point, we as a party certainly will be supporting sending the bill to committee. However, because of the sensitive nature of it and the balancing that is required, we will have a lot of work once it gets to committee.

It is important to note that investigative hearing provisions in the Criminal Code allow authorities to compel the testimony of an individual without the right to decline to answer questions on the grounds of self-incrimination. The intent would be to call on those on the periphery of an alleged plot who may have vital information, rather than the core suspects who would have an overwhelming incentive to lie or to protect themselves.

The preventive arrest provisions in the Criminal Code allow police to arrest and hold an individual, in some cases without warrant, provided the police have reasonable grounds to believe the arrest will prevent future terrorist activity.

After 9/11 the Liberal government passed the Anti-terrorism Act, a package of measures, including Criminal Code amendments, to combat terrorism and terrorist activity. The act attempted to balance those measures with respect to the Canadian values of fairness and human rights.

Two new powers in the act, investigative hearings and preventive arrest, were considered sufficiently intrusive and extraordinary that a specific five-year sunset clause was applied to them. The sunset clause was a Liberal caucus priority to ensure that oversight, as I mentioned before is so important, was had.

In October 2006 a subcommittee of the Standing Committee on Public Safety and National Security recommended extending the sunset clause while also amending the Criminal Code to restrict the scope and application of investigative hearings and preventive arrests.

The sunset clauses came due on March 1, 2007. The government introduced a motion to extend the provisions for a further five years, but in February 2007, the Liberal opposition, as well as the Bloc and the NDP, voted to allow the clauses on investigative hearings and preventive arrests contained in the original Anti-terrorism Act, brought forward in the immediate aftermath of September 11, to sunset.

● (1310)

At the time, the Liberal opposition offered to work with the Conservative government to find reasonable and effective improvements in the anti-terrorism laws of Canada to strike an appropriate balance between safety and protection of rights.

After the defeat of the clauses, the government introduced legislation in October 2007 that would have brought back the two clauses with additional safeguards. It required law enforcement officers to satisfy a judge that they had used every other method to get the information that they needed. It also required the attorney general and the minister of public safety and emergency preparedness to report to Parliament on a yearly basis explaining their opinion as to whether or not these provisions should be further extended.

In October 2007, upon the introduction of Bill C-3, on security certificates, and Bill S-3, on investigative hearings and preventive arrest, both the Liberal critic and the Liberal leader in the Senate indicated their support for both pieces of legislation. Bill C-3 eventually did become law. Bill S-3 did not make it through the House before the 2008 election because the government failed to call the bill for debate.

I want to talk about Bill S-3 and some of the changes that were made by the Senate that I think started to move the bill back into a better balance between those two priorities.

Bill S-3 included improvements to the code's terrorism regime, such as an increased emphasis on the need for a judge to be satisfied law enforcement has taken all reasonable steps to obtain information by other legal means prior to resorting to an investigative hearing; the ability for any person ordered to attend an investigative hearing to retain and instruct counsel; new reporting requirements for the attorney general and the minister of public safety who must now both submit annual reports which not only list the uses of these provisions, but also provide an opinion supported by reasons as to whether these powers needed to be maintained; the flexibility to have any provincial court judge hear a case regarding a preventive arrest; and a five-year end date unless both houses of Parliament resolve to extend the provisions further.

The former minister of public safety encouraged the Senate special committee on anti-terrorism to continue studying Bill S-3 and related issues even after reporting back to the Senate. The committee suggested key amendments to the bill that were included in the final version passed by the Senate in March 2008. The most significant of these amendments mandated a comprehensive parliamentary committee review at the fifth anniversary of the bill's coming into force.

With all of these things having been said and that balance being moved more toward where it needs to be, we on this side of the House are prepared to see the bill go to committee where obviously it is going to need a lot more work. There are a couple of points I would like to address now for consideration and which we will want to talk about at committee.

We want to ensure there is strong parliamentary oversight. One of the questions I asked the parliamentary secretary not so long ago was the possibility of ensuring that we have a review by both houses of Parliament, not just one. That is something we can work on in a collaborative fashion in committee. The last time the bill was reviewed, the Senate had a lot of important additions to make and important observations that otherwise would have been missed.

The second thing we could discuss at committee is the possibility of the frequency of the review, whether or not three years would be possible as opposed to five years. If we approach it with the philosophy of trying to ensure we have the appropriate amount of oversight, those who are concerned that these powers might in some way be misused would have their fears assuaged.

I do feel the legislation as it stands now has a significant number of safeguards. I think we could consider further ones. However, it is imperative that our law enforcement officers and officials have the tools they need to act in a preventive way against potential terrorist threats in this country. By having sufficient oversight and by taking the proper time to study the bill at committee after it leaves this House, we can strike that appropriate balance and move forward in a productive way.

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, my concern with the bill is the sunset clause, which was initially put in the bill when this became legislation. There was a great deal of concern among parliamentarians about the extraordinary powers that were being delivered to the police.

The Conservatives say that this would only be used in the case of an imminent terrorist attack, yet in jurisdiction after jurisdiction police officers can defend all kinds of powers on the basis that it will help stop some kind of nefarious activity.

For many years, a process of internment in Ireland was supposed to be a process to stop the IRA. Ireland also had processes where people were taken and held without trial for long periods of time. Again and again we have seen serious injustices, like the Guildford trials and the Birmingham bombings.

The question I would ask my colleague is on the provision of being hold someone for 12 months without charges. If there is an imminent attack, we want to ensure the provisions are in place to respond. However, police will always say there is a good reason for picking people up and holding them for 12 months.

In the case of Harkat, CSIS provided false information. In the case of Mr. Abdelrazik in Sudan, the government continues to deny his rights. It cannot even bring any kind of claim against him, yet those rights are denied again and again.

Does my hon. colleague think it is good enough to say that we will have parliamentary oversight of a provision that really undermines fundamental due process in our country?

● (1315)

Mr. Mark Holland: Madam Speaker, when the Anti-terrorism Act was originally introduced and the sunset clauses were put into place, it was done specifically so we could take a look at the period that transpired and how these tools worked and how effective they were.

No one is suggesting by any means that somebody can just be picked up without cause. The standard is set extremely high. I go back to some of the points I made that were added by the Senate, which are critical to my support in seeing this go over to the committee.

There are increased emphasis, as I mentioned before, on the judge to be satisfied that law enforcement has taken all other reasonable steps before using this as a mechanism, the ability of people to both retain and instruct counsel, requirements for an annual reporting by the Attorney General and the Minister of Public Safety, the flexibility of a provincial court judge to hear a case on a preventative arrest and so forth.

When we look at the threshold that has been established, it is extremely high. It is not law enforcement officials on their own making a decision to detain somebody. It is them going before a judge, making a case that an individual needs to be detained and needing to prove they have done everything else that they possibly could and that this is the only tool left at their disposal.

When we take a look back over the past five years and the fact that this has only been used once, it shows it has only been deployed in the rarest of circumstances, as would be appropriate. This is the type of tool that we would only expect to be used in very rare circumstances. One would hope that Canada would never again face the kind of threat that would necessitate the deployment of this option.

Nonetheless, in extreme circumstances, it is important we reserve that right. There has been a lot of work to date to ensure this balance is struck. I would submit the balance there is sufficient enough to warrant this going to committee to for further study.

Hon. Larry Bagnell (Yukon, Lib.): Madam Speaker, I commend the member on his comment that the Senate has also reviewed this as well. I cannot imagine the government would be against this, as the parliamentary secretary explained the good ideas he used from the Senate in the drafting of this.

Under a government that treats everyone equally, we expect there would probably not be as many concerns with the bill. However, selectively, the government has not followed policy or government law in dealing with Canadians, in particular on our policy on the death penalty, where it refused to give that protection to some Canadians overseas. There is also the Canadian who has been totally abused, as far as the principles of Canadian law, and the government has refused to bring him home.

Does he have confidence that the government would not abuse such a powerful law?

Mr. Mark Holland: Madam Speaker, I agree with the member and I am very hopeful on the first point that in committee we will be able to work collaboratively. We have a very constructive committee where we can work on these issues. That is an issue on which we can work. I look forward to talking with the Conservative members and other members of the committee to see how we can work on that collaboratively and come up with something that ensures we include the Senate's voice in this process.

On the second point, I would agree with the member if it were simply left up to the government. If it were only the government's choice on when to deploy this and when it would be applied, I would have grave concerns.

One of the things the Senate did, which was so important, was it made sure the courts were involved and that law enforcement officials and the crown had to prove they had exhausted all other measures at their disposal to get at that information and there was an imminent threat that necessitated them moving forward. The courts act in this instance as the arbiter of the use of this power.

By looking over the last number of years and looking at how rarely this has been deployed, we can get a certain degree of assurance that balance will be continued going forward.

However, I take the member's comment, which is a very good one. I again point out the fact that this is just at second reading right. We are going to be going to committee and we are going to be spending a lot of time and work ensuring that balance is respected.

● (1320)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I listened carefully to the member's comments and I have a couple of questions.

The first concerns the repeated use of the words “imminent threat”. Those words do not appear in the legislation. The infringement of rights that we are talking about, basic fundamental rights, occur when someone has reasonable and probable grounds to suspect that an attack may be coming, not an imminent threat, which is a much loser test. Would the member comment on that?

Also could the member elucidate the House on why his party voted against these provisions two years ago, when there was attempt to reintroduce them in the House, but now appears to support them two years later? What has changed?

Mr. Mark Holland: Madam Speaker, on the member's second point first, an enormous amount has changed. It was one of the things that I really tried to address in my comments. We were initially opposed because the balance that I spoke about simply did not exist. In fact, the Senate, through an enormous amount of work, was able to strike that balance. I commend the Liberal leadership in the Senate, which took hold of this and tried to find that balance. It introduced a number of important measures, which I will not repeat again because I have enumerated them before, but they really changed the nature of the bill.

I think quite rightfully our caucus responded to that and said that now this was a different bill, with a different weight and a different balance.

With respect to the assessment of threat, personally the bill makes it very clear that the standard is exceptionally high. The threat has to be something that poses an immediate and present danger to the security of the nation. I read that with absolute clarity in the legislation.

I look forward to having a debate on that when it goes to committee and ensuring that the threshold is set that high. Having read the legislation, I am convinced it is, but it is something that needs to be there in those circumstances and we need to guard that. I hope the member would agree with it.

Being on committee with the member and having worked with the member on a number of other items, I am sure we can discuss this matter in committee and ensure that the right balance is struck.

Mr. Charlie Angus: Madam Speaker, I think there is great interest that we have set the threshold very high.

We had a pizza delivery guy in Ottawa picked up, brought to court with sensitive information blacked out. The judge held that guy, Mr. Harkat, for three and a half years without bail. We found out later that CSIS did not bother to tell the judge that its evidence was pretty dodgy. This has happened in Canada. It happened under this kind of legislation.

How can the member give us any confidence that this will not happen again if we allow these extraordinary powers?

Mr. Mark Holland: Madam Speaker, it does not matter what the legislation is. There is a fundamental reality that mistakes and errors get made and when they do, we need to pounce on them. I have been as vocal as anybody else when our intelligence and security officials have failed us and to call them out on that.

However, let us not make the mistake and say that by not giving them the tools, there are not going to be mistakes that occur. We have to be ever vigilant. If we are not, then we will have problems.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Madam Speaker, I am sure that anyone listening who does not have a background in law will have a great deal of difficulty in understanding the provisions. There has been much talk on a number of fronts about striking a balance between two necessities: fighting terrorism and respecting human rights.

I will now speak in layman's terms, as I would to a jury, in order to explain what this is all about, since I am sure that anyone listening to the speech of the government representative would not grasp it at all. I will do so as thoroughly as possible, and I believe people will then be able to formulate their own opinions. My opinion is shaped by life experiences: the 1970 October crisis in Quebec and my contacts with police forces and the courts.

Essentially there are two provisions: one that has been more correctly called preventive arrest but is now being called recognizance. The other has to do with testimony. I will focus for the most part on preventive arrest, because I feel this clearly has the greatest potential to cause considerable harm to innocent people, while offering very few advantages as far as fighting terrorism is concerned in the case of guilty parties. I would even go so far as to say the advantages are almost nil.

First of all, the decision is based on a suspicion. The Attorney General must of course give prior consent, and the police officer must have reasonable grounds to believe that the individual is about to commit a terrorism offence, is part of a terrorist plot or is planning an act of terrorism. If there is an immediate danger, the police officer may arrest the individual immediately and bring him before a judge. The judge must then assess whether the police officer's suspicions are reasonable and whether the terrorist plot is significant, in other words he must establish whether it is dangerous, based only on suspicions.

The only thing the judge can do, after a number of procedures have been followed, including detaining the individual but never more than 48 hours at a time, is to agree with the police officer and state that the suspicions are reasonable and the act planned is dangerous. He can then require the individual to sign a recognizance for one year, with certain conditions attached, and send the person back home.

So there are two possibilities: the suspicions are justified, or they are not. I think everyone will admit that when you are acting on the basis of suspicions, you sometimes make mistakes, and people are unfairly suspected. That is why, in our legal system, we generally do not convict people based on suspicions. When I studied law, it was said that a thousand suspicions are not equal to one piece of evidence. But in this case, the decision is to have the person sign a recognizance if the suspicion is reasonable and the act in question is dangerous.

If the person is innocent, they will certainly be eager to sign the recognizance. They will not realize that from then on they will be stigmatized as having been subject to a judicial decision relating to terrorism. Even if they comply with the conditions, when the year is out, the stigma will remain.

Do we imagine that this person will ever again be able to take a plane? Do we imagine they will be able to cross the American border, when they have been compelled to sign a recognizance like that?

The person will probably lose their job, and this will be a considerable barrier to finding another job. That is the harm that can be caused to an innocent person, and it is not insignificant.

If the person suspected is not innocent, however, it will be reassuring to hear that the judge must send them home on a mere recognizance.

● (1325)

Obviously that is what the judge will do. Obviously, as a result, the person is now aware that they are known, that their conspiracy has been uncovered. That in itself may be enough to deter them from going ahead. Do you think this kind of recognizance is very reassuring for a confirmed terrorist? But let us look, instead, at what might happen.

How do we know that a person is preparing to commit a terrorist act? First, most of the time, if not all the time, the person is not all alone. They are part of a conspiracy. These people have agreed to commit a terrorist act. Through surveillance of their movements and the people they meet and, to a large extent, wiretapping, the police reach the conclusion that the person is probably planning a conspiracy. In our law, when two or more people agree to commit a criminal act, known as an indictable offence, that is called conspiracy. They are guilty of conspiracy, even if they do not commit the criminal act they were planning.

If the police in fact have that kind of information, they have enough information to arrest them. The law also says that a police officer can arrest without warrant a person who is about to commit a criminal act. If the ordinary law is applied, a criminal terrorist plan can certainly be interrupted in that way and charges laid.

Now, if the individual were wrongly suspected, after charges were laid, there would be a trial. In the course of the trial, the individual might be acquitted. Not only might they establish their innocence, but it might be determined whether or not there was reasonable proof of the planned plot. This individual will be acquitted. The first individual, however, who is innocent and who agreed to sign a recognizance because they had never thought of carrying out a terrorist act will never be acquitted. They will continue to be stigmatized for having been forced by the court to enter into a recognizance in connection with terrorism.

It is time to look at the balance, weighing what is to be gained on the one hand and the potential for injustice on the other. It is unrealistic to think that hardened terrorists will honour their recognizance. Does the government think that it would have discouraged those who took part in the terrible events of September 11, when they were called on to board the planes and carry out their plot? That is something very important.

In addition, through the regular application of the laws on conspiracy, the court may deny an accused a surety bond if the evidence provided by the Crown, even prima facie, supports the likelihood of a dangerous plot in progress. In the other case, the court is obliged to free the accused underwritten recognizance. What added benefit is there in the fight against terrorism compared with the injustices we are doing to the people wrongly suspected? We have examples of people wrongly suspected in Canada.

Obviously, I find that appalling, no doubt because of my legal training in criminal law and my years of practice. If there is one important feature of the civilized country in which I live and wish to continue living, it is the seriousness we attach to penalizing an innocent person. In our first law courses, we were told it was better that 100 guilty persons escape than that one innocent person suffer. In this case, it is on the basis of mere suspicion that we will stigmatize an individual for a long time. The stigma will remain.

● (1330)

There is nothing in the bill, even though it was clearly explained to them at the time of the study in 2007 that we should consider compensating such a person. That is typical, I think, of the current government. I might have expected better from the Liberals. I know they were the ones who originally conceived this, but the prevailing mood at the time was frightful. It was just after September 11. At least they had the wisdom to say it should be reviewed in five years to see whether it had been effective.

It is much better to enforce the law than to enforce this act. That is why none of its provisions have ever been used. Someone made the argument that the fact it has never been used does not mean it never will be. Others say that the fact it has never been used is proof that it is useless. If we understand what it brings to the fight against terrorism, we will understand why it has never been used: it is useless. It is useless but it is dangerous because it results in innocent victims.

With my training in criminal law, I find that appalling. It is not someone being incarcerated, of course, it is not like prison for a bandit, but restricting someone's movements, destroying his reputation with his employers, and ensuring many people think he is a terrorist is a horrible stigma. Now that we know it does no good, it is time to get rid of it.

They would rather discuss the theory of it all. They think a balance has been established, but do not say what it is based on. I might tell the House a little later, if I get that far. I had a good quote from Kofi Annan. He is certainly not a terrorist. He was the Secretary General of the United Nations, among other things. He said basically it would be a victory for the terrorists if the legal protections enjoyed by all citizens of civilized societies were reduced. That is exactly what is happening here.

I also have the impression that only certain people are targeted. We had one member with an Arabic name in the last Parliament, Omar Alghabra, I believe. I do not think he was re-elected. He was opposed to renewing this. It is as if we are not so sensitive because it is not people named Smith or Gagnon or Tremblay who are targeted.

I was a young lawyer at the time of the October crisis. I witnessed the way a government can get things totally wrong. Using an antique piece of legislation, the War Measures Act, they arrested in excess of 300 people. Among them: a poet, a popular singer—Pauline Julien; Andrée Ferretti, the staunch independentist; and one man whose brother was a terrorist. What is more, this brother, whose name was Geoffroy, had pled guilty to more terrorist acts than he could possibly have committed, because some of them had taken place in two different places at the same time. He took the rap for the rest of them. Geoffroy's brother and his sister-in-law were arrested. With only one or two exceptions, all the candidates of FRAP, a municipal political party, were arrested and jailed.

The names involved then were familiar to us all: Lemieux, Tremblay, Gagnon and the like, but now the names that come up are Abdoulazik, Albati and so on—those people will now be the targets of these provisions, which can be just as unjust as the War Measures Act—but that is of no concern to the people who are coming up with these fantastic, theoretical ideas.

We need only to take a proper look at the situation. Police forces have been smart enough not to use it, for the good reason that it is useless—not just somewhat useless, but totally useless. The measures have been in place since 2002. They were not used once in 2007. Not used in 2007 of course because they were not renewed. No one has presented us with a single example of a situation in which this arrest and recognizance would have been of use, instead of the usual enforcement of the Criminal Code.

● (1335)

When a terrorist plan is imminent, it is because there are accomplices, conspirators, and the police have evidence. Let them take that evidence and lay charges. At worst, the accused will be acquitted later, but at least they will be prevented from acting. If the evidence satisfies the judge, they will be incarcerated. But if there is a recognizance, the stigma will remain.

Another part is the examination. When a terrorist conspiracy is thought to be underway and someone can give us information about it, we can also summon the person to appear before a judge to be questioned. I acknowledge that this is a very civilized way of questioning someone about criminal conspiracies.

For those who feel like reading the bill, it must be said that it is extremely difficult to understand. The federal government always writes laws the same way. I have always said, and I can never say it enough, that badly written laws are understood badly and then applied badly. We have hundreds of examples. When you read the law, many of the provisions stipulate that the person is obliged to answer, but they may object, and if they object, they will still be obliged to answer. The fact that they object, however, can never be used against them. In the Quebec courts, that is called the protection of the court, or the protection of the law. In other words, once the person has objected, what they say can never be used against them, unless they commit perjury or make another contradictory statement.

In the English law we practise here, people have the right to remain silent. This is an infringement of the right to silence. I will leave it to others who are much more concerned about this to talk about it, but I will say this. We have to look at the reality of the situation. A party to a conspiracy is summoned before a judge, with their counsel. Of course, it is certainly better than interrogating someone under torture to make the person say what we want to know. The police do have interrogation techniques that are not torture, but I assure you that when they are interrupted by an objection from counsel or a decision by a judge, there is a psychological effect. That is why the police do not use it. We can keep it if we want, but it is still contrary to the basic principles of the law that a person should never be compelled to cooperate with the police.

The more serious question relates to the other. In any event, it is inseparable. We can certainly consider it in committee if some people still want to do that, but I hope they will have more solid arguments than last time if they change their minds.

As young people would say, I have been a bit "heavy", although I do not want to joke about such a serious subject. This is what the order the judge may make says:

> Before making an order under paragraph (8)(*a*), the provincial court judge shall consider whether it is desirable, in the interests of the safety of the person or of any other person, to include as a condition of the recognizance that the person be prohibited from possessing any firearm, cross-bow, prohibited weapon—

I have never heard tell of a crossbow-wielding terrorist, but if we need to cover all the bases, there it is. But if we need to cover all the bases, it is significant that one thing is not included: compensation for those who have been unjustly stigmatized. If their innocence is proven, what will be done to remedy the harm done by stigmatizing them as terrorists or putting them in the category of persons about whom there has been a judicial decision relating to terrorism? It seems to me that the government has had more than two years to remedy this injustice, but it has not done so. This speaks volumes about where its concerns lie.

● (1340)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, the member has been a long-time member of the House. He was a former Quebec justice minister, and he certainly knows of which he speaks.

The provisions of this bill could be used to target individuals engaged in activities of protest or dissent that do not come close to any reasonable definition of terrorism. I would like to ask the member if he could expand on those comments.

If this bill could possibly be extended to people involved in strike action or other forms of protest, we certainly would not want to see that happen in this country.

● (1345)

[*Translation*]

Mr. Serge Ménard: Madam Speaker, the hon. member is absolutely right to ask me that. It is a point I neglected to raise, yet it is extremely important.

When something like this remains on the books, as one of his colleagues has pointed out, one never knows who will use it or how. This is exactly what happened with the War Measures Act, which was still on the books. It could certainly be used against protestors at some point, especially if terrorist tendencies were to resurface, as we have seen in Quebec and sometimes also when aboriginal leaders have been protesting.

The problem is that, when people share the same cause, they may run into each other without knowing about any terrorist plots. But the fact of having crossed paths could raise suspicions. Arrests could be made on grounds of reasonable suspicion. If this power is left in the hands of an underhanded government with evil intentions, it could be used against political opponents.

That is what happened during the October crisis, with respect to FRAP, the municipal party that was running against Mayor Drapeau. As I said, Pauline Julien and the poet Gérald Godin were thrown in jail, along with many others. The government can again make use of it at some time.

I am not saying that such are its intentions. I do not want to attribute evil intentions to it that it does not have. But it could feel that temptation. When I heard all the things that were said against the coalition, I felt that the government was getting pretty carried away.

Mr. Yves Lessard (Chambly—Borduas, BQ): Madam Speaker, I would first like to congratulate my colleague from Marc-Aurèle-Fortin on his excellent speech. I think the House of Commons is very privileged to hear a speech of such high quality. Not only did he explain in legal terms the abuses that can be committed through such a bill, but he also gave us the facts, and facts are facts. They do not deviate. He gave concrete examples. I myself had a taste of the War Measures Act when I was a trade unionist in 1970.

I would like to hear my colleague's thoughts on the path this bill leads us down, ideologically speaking.

When we move outside the strict framework of the law, and when a certain ideology has been used to enact laws, is there not a danger that we could see other abuses besides the examples he gave?

Mr. Serge Ménard: Madam Speaker, I see things differently, and not in ideological terms.

Personally, I think I am a defender of the ideology of human rights. I studied the fine print in this bill because I wanted to see if any injustices might have been included. I think I found them and I have exposed them many times over.

I think I also exposed the fact that we should have been prepared for them if they are to be maintained. What strikes me however, and I think it is universal—it does not apply only in this Parliament—is that people who are more conservative and in favour of law and order are generally found in democracies. They want to preserve those principles, but they are often the first to attack them without realizing it. I have noticed that this often happens with them.

Personally, I believe that convicting an innocent person is a terrible thing. For them, it is the price to pay to save our system. That is why I believe they should reread Kofi Annan. He said, and very convincingly, that the terrorists will have won when they make us change our system so we have fewer fundamental rights.

● (1350)

[*English*]

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice, CPC): Madam Speaker, I listened with some degree of alarm to the member's speech when he pulled out an example about protests or strikers as an application where this bill could be used. Earlier, I listed all the safeguards that are in place before these provisions can be enacted.

The member should acknowledge that these provisions have only been used once in the past eight years. There is a mandatory review of the provisions. The provisions have been upheld by the Supreme Court of Canada as being constitutional, and they are being put in place to prevent a worst-case scenario from happening on our soil. We are glad they have not been used. We hope that they never have to be used.

Would the member rather prevent a terrorist attack in Canada, or would he rather deal with the aftermath?

[*Translation*]

Mr. Serge Ménard: Madam Speaker, I explained what measures you could take if there were an emergency. How would you know if there were such an emergency? How do the police know? Through wiretaps and surveillance they come up with a series of fairly convincing circumstances indicating that there is a plot.

Arrest them, charge them with conspiracy—it is an offence—and get on with the trial. If these people are innocent, they will be acquitted. Whereas in the current situation, you force someone to sign a recognizance and—

The Acting Speaker (Ms. Denise Savoie): I would like to say to the member that the Speaker will not be arresting anyone. Furthermore, I would ask him to address the Speaker directly.

The member for Timmins—Baie James has the floor for questions or comments.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I find it fascinating that whenever we ask questions of the Conservatives about due process and so on, they start accusing everyone else of somehow being friends of the terrorists.

My hon. colleague has built a reputation in the province of Quebec for standing up and taking on the Hells Angels. He is no slouch when it comes to standing up on issues of justice.

We are hearing from the Conservatives that this bill, which had to have a sunset clause in it before because its powers were so extraordinary that it allowed people to be held for 12 months without any charges, would never be used, that this is Canada and that the rule of law would prevail. Yet, we see that whenever the police have these powers, they have been misused. We only have only to look at Mohamed Harkat, who was held for three and a half years without trial. We could look at Maher Arar, who was rendered to Syria while the government knew all the way up the chain of command that he was being tortured.

I would like to ask my hon. colleague why he thinks that when a government has these powers that the police would not somehow end up misusing these powers once they become permanently entrenched in our system.

[*Translation*]

Mr. Serge Ménard: Madam speaker, I will summarize.

My issue with this part of the legislation is not that it is too stringent but that it is not stringent enough. The application of criminal law allows us to take measures that are more effective at breaking up a criminal plot than the measures contained in this bill. There is a risk of falsely accusing people on the strength of mere suspicion.

The benefits of this law are insignificant compared to the harm it will surely cause the innocent people accused on the strength of mere suspicion. When we operate that way, we run the risk of being mistaken.

[*English*]

The Acting Speaker (Ms. Denise Savoie): Resuming debate, the hon. member for Vancouver Kingsway.

I should warn the member ahead of time that I will have to interrupt him at 2 p.m. and that he may resume his comments afterward.

● (1355)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I am cognizant that I have 20 minutes to speak but only 4 minutes to begin. I am going to lay the preparatory groundwork for my speech later on.

Not everybody in the House will agree with what I am about to say, but the fundamental issue presented by the piece of legislation before the House today is that due process in law cannot be supported by offending due process in law. Civil rights cannot be protected by violating civil rights. Freedom in this country cannot be supported by abridging the freedom of Canadians in this country. That cuts to the heart of this matter, and I will come back to that concept later on in my speech.

Bill C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions) was introduced in the House on March 12 of this year. It contains the provisions found in former Bill S-3, as amended by the Senate Special Committee on Anti-terrorism in March of last year.

The bill proposes amendments to the Criminal Code that would reinstate the anti-terrorism provisions that expired under a sunset clause in February 2007. It provides for the appearance of individuals who may have information about a terrorism offence, compells attendance before a judge for an investigative hearing, and it contains provisions also dealing with imprisonment of those people for up to 12 months without charge.

This legislation also contains a five-year sunset clause that requires the Attorney General of Canada and the Minister of Public Safety to issue separate annual reports that include their opinions as to whether these provisions should be extended.

The seriousness with which the bill attacks our civil liberties in this country is established by the fact that it has to contain sunset provisions to come back before the House. The government does not have the confidence to put these provisions into law for an extended period of time.

Bill C-19 essentially reintroduces the provisions relating to investigative hearings and recognizances that first came into force in December 2001. A sunset clause contained in that act stated that the provisions in question would cease to apply at the end of December 31, 2006 unless they were extended by a resolution passed by both Houses of Parliament.

As of February 2007, not one investigative hearing had been held, and there was no reported use of the provisions on recognizance with conditions at that time. I will come back to this theme later on.

Hon. colleagues on the other side of the House continue to maintain that this legislation is required, but it has never been used in the first five years of its existence.

Let me start with the first of these two offensive provisions, and that is investigative hearings.

Clause 1 of Bill C-19 would amend the Criminal Code, and it is similar to the original Anti-terrorism Act. Section 83 of the Criminal Code forces individuals who may have information about a terrorism offence to appear before a judge for an investigative hearing. The objective is to compel that person to speak, under penalty of imprisonment.

A peace officer, with the prior consent of the Attorney General, can apply to a superior court or a provincial court judge for an order for the gathering of information if there are reasonable grounds to believe that a terrorism offence has or will be committed.

If there are reasonable grounds to believe that information concerning the offence or whereabouts of a suspect is likely to be obtained as a result of the order, and if reasonable attempts have been made to obtain such information by other means, if granted, such a court order would compel that person to attend a hearing and answer questions on examination. No one attending such a hearing can refuse to answer a question or produce something in his or her possession on the grounds of self-incrimination.

Every Canadian school child is familiar with the edict in this country that an individual has the right to remain silent and not to testify if that testimony would present self-incrimination. It is considered a fundamental tenet of western and British legal tradition. It has been part of our country's Constitution and civil liberties for hundreds of years.

The Acting Speaker (Ms. Denise Savoie): I regret to interrupt the hon. member. He will have 15 minutes left when debate resumes.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

SCIENCE AND TECHNOLOGY

Mr. Colin Carrie (Oshawa, CPC): Madam Speaker, I am proud to stand before the House today and bring some exciting news from my riding of Oshawa.

Thanks to the federal Conservative government and its commitment to investing in knowledge infrastructure, Durham College and the University of Ontario Institute of Technology campuses of Oshawa have recently received funding of over $100 million.

This funding will be used to repair and expand research facilities at these campuses and generate the advanced technological infrastructure needed to keep Canada's colleges and universities at the forefront of scientific advancement.

This funding is extremely important to the city of Oshawa. Not only does it create much needed jobs right now, but it also provides the youth of Oshawa with the opportunity to train for the jobs of tomorrow.

This investment is for the automotive jobs of tomorrow and an investment in the green energy we need today. This funding will be instrumental in helping to evolve Oshawa's identity and economy.

I am excited to say that because of this funding, Oshawa's university and college will be instrumental in the development of the green jobs of the future.

* * *

CANADA GAMES

Hon. Shawn Murphy (Charlottetown, Lib.): Madam Speaker, I am pleased to remind you and my colleagues in the House that Prince Edward Island will host the 2009 Canada Games from August 15-29. Over these two weeks, athletes from across Canada will compete in 18 sports staged in multiple venues throughout the province.

Our province has a successful history in hosting large sporting events because of a tremendous volunteer base. As one who has organized sporting events in the past, it is volunteers who make this whole thing happen.

The Canada Games extend over two weeks with over 2,200 athletes, coaches and managers in attendance each week. Week one events are focused in the western region and feature sports such as basketball, rugby, tennis and cycling. The eastern region will be the focus of week two which will include golf, volleyball, swimming and other sports.

In closing, I would like to extend an invitation to my colleagues in Parliament and all Canadians to come to Prince Edward Island this summer to experience these Canada Games. I wish all athletes, organizers and volunteers all the best.

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[*Translation*]

CRÉADOS ARTISTIC RECYCLING PROJECT

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Madam Speaker, I recently had an opportunity to meet with some young people from the municipalities of Sainte-Hélène and Saint-Hugues, who are involved in CRÉADOS, a project coordinated by Nathalie Nadeau. They produce artistic creations out of recycled items. I was absolutely amazed at the creativity and innovation shown by these young people, aged 11 to 17.

This project deserves every possible support. Not only does the project create an awareness of recycling, it also encourages these young people to find an outlet for their creativity. Teens need well organized outlets for expression.

My congratulations to everyone behind the great success of CRÉADOS, the participants and the volunteers, on this inspirational initiative.

* * *

[*English*]

SENIORS

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, many seniors across the country live in poverty and many more are worried about the security of their pensions. Those in middle age are worried about their future income as they approach retirement.

Unfortunately for them, they cannot look to the Conservative government for help. Recently, we learned that the Canada pension plan lost $24 billion last year while those in charge gave themselves $7 million in bonuses and the Conservative government will do nothing.

We have seen when companies file for bankruptcy protection, workers are left unprotected. When AbitibiBowater employees in Newfoundland and Labrador lost early retirement packages, severance pay and pension entitlements, the Conservative government said it was up to the courts and the provinces, yet bankruptcy and insolvency law is a federal government responsibility.

This system is leaving many seniors in poverty. It is threatening retirement security. We need a comprehensive plan to ensure that seniors have incomes to allow them to live in dignity and have legal protection for their pensions.

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SASKATOON—ROSETOWN—BIGGAR

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, in 2005 Saskatchewan celebrated its 100th anniversary. Since then communities all across our beautiful province have been doing the same. This year there are a number of communities in my riding of Saskatoon—Rosetown—Biggar that are celebrating their 100th anniversary.

The town of Rosetown, the village of Zealandia, the village of Harris, the rural municipality of Perdue, the village of Perdue and the village of Kinley are all celebrating their centennial. Also celebrating its centennial is Saint Gabriel's Parish in Biggar.

These rural communities were founded by hard-working men and women who came to Canada with dreams of a new and better life. It is the result of the hard work, care and dedication of these people, their children and grandchildren that these communities are now celebrating their 100th anniversary.

I am honoured to represent this group of great communities and would like to congratulate them for achieving this huge milestone.

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● (1405)

CANADIAN BROADCASTING CORPORATION

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the Canadian Broadcasting Corporation plays a critical role in protecting the culture and sovereignty of Canada, and now it needs protection.

The CBC is our voice, tying this diverse country and its unique regions together. It tells new Canadians about their new home and its people. It connects urban and rural Canadians, and it nurtures our francophone communities across the land.

From award-winning investigative journalism to showcasing Canadian culture and talent, the CBC is Canada.

The CBC was recently forced to cut 800 jobs when the government refused to provide an emergency loan. Its normal annual financial top-up has been withheld and it may face further cuts from a strategic review.

The residents of Vancouver Quadra are extremely concerned about the future of the CBC. A former young classical musician myself, I know the importance of the CBC in providing quality programming. It is hard for me to watch our public broadcaster being squeezed rather than supported by the current government.

At a time when Canadians face economic hardship and dislocation, now more than ever we need a strong and vital CBC.

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FIREARMS REGISTRY

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, many opposition MPs campaigned on getting rid of the long gun registry and they have changed their position since they came here to Ottawa.

In fact, when the Bloc Québécois recently put forth a motion to maintain the gun registry, only one member out of all three opposition parties voted against that motion. Yet, there were dozens of MPs from the Liberal Party, the NDP and the Bloc who said they would support getting rid of this ineffective, money-munching long gun registry, such as the members for Thunder Bay—Superior North, Thunder Bay—Rainy River, Timmins—James Bay, Western Arctic, Sackville—Eastern Shore, Kings—Hants, Elmwood—Transcona and Malpeque, to name a few.

These members all promised the people whom they represent that they would work to get rid of the long gun registry. They broke that promise. Why would anyone vote for any of them again when it is clear that they are not to be trusted on an issue that is so important to their constituents?

I would encourage all Canadians to hold these elected representatives to account. If these MPs will not vote for the motion, why should their constituents vote for the MPs?

* * *

[*Translation*]

YOUNG VISITORS FROM IVUJIVIK

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, I would like to extend my greetings today to some young people from Nuvviti school in Ivujivik, who are visiting the Hill today.

The reason they were chosen to be here is that they have not only stood out from their fellow students by their perfect attendance, but they have also, thanks to the unflagging support of their teachers, successfully completed their year.

To give some idea of their reality, Ivujivik is the northernmost village in Quebec, and one quarter of the population is under the age of 18. This year they have experienced the suicide of three of their friends.

These are outstanding young people, courageous and hard working. They set an example of perseverance for all students, not only in their community, but also throughout the rest of Quebec. My colleagues of the Bloc Québécois join with me in expressing our respect, encouragement and congratulations to all of these students.

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BLOC QUÉBÉCOIS

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, over the past few days, the real leader of the Bloc Québécois has issued the party's new game plan, a plan that would set Quebec back by 30 years. We have decided to call her plan the "What kind of idiots does she think we are?" plan.

The Bloc Québécois is made up of a bunch of sovereignists who only talk about sovereignty when their real leader in Quebec City talks about it and who are not doing a good job of representing the Quebeckers who voted for them eight months ago. There is a reason why some Bloc Québécois members are heading back to Quebec City while others are impatiently waiting for their real leader to tell them to leave Ottawa.

While the Bloc Québécois and the Chrétien-style Liberals are stirring up old quarrels, the Conservative government is working to stimulate the economy because that is what Canadians and Quebeckers think is the real priority.

Quebeckers are not idiots. The Bloc Québécois cares only about its partisan interests and wants only to destroy our country.

* * *

● (1410)

SHEILA FINESTONE

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, my family and I, together with many friends and colleagues in both the House and the Senate, were deeply saddened to hear of Sheila Finestone's passing.

Few members of Parliament have been as dedicated and exemplary as Sheila was. She worked tirelessly for the people of her riding, Mount Royal, whose best interests were always foremost in both her heart and her mind.

[*English*]

She knew every "quartier" of this increasingly multicultural constituency. She was a natural choice for Secretary of State for Multiculturalism and the Status of Women, and reflected and represented the cases and causes of her constituents in an outstanding fashion.

After her appointment to the Senate in August 1999, she continued her indefatigable work, and as her successor, I was the beneficiary of having a former MP of this riding with whom I could join and work together in common cause.

We extend our deepest condolences to her family. May we be inspired by her memory and may her memory serve as a blessing for us all.

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JUSTICE

Ms. Dona Cadman (Surrey North, CPC): Mr. Speaker, just a few short months ago, the NDP leader played to the cameras when he told the Vancouver Police Chief:

> There's probably no city in the country right now that is understanding the need for action more than Vancouver. We're not seeing this elsewhere in Canada but, believe me, we're going to if we don't see some action taken against these gangs.

All this political posturing abruptly came to an end once the camera stopped rolling and the B.C. election was over.

Yesterday, the NDP, along with the Bloc, voted against the action the government has taken to tackle organized crime and gangs. The NDP voted against mandatory minimum sentences for the serious crime of drug trafficking.

The NDP also voted against our truth in sentencing bill, and Bill C-268, which provides for mandatory minimum sentences for the serious crime of human trafficking.

I implore the NDP to help the government fight gangs and organized crime. Our communities need support now.

NATIONAL MARINE CONSERVATION AREAS

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, the new national marine conservation area on the spectacular north shore of Lake Superior is a good news story. Our Prime Minister should be congratulated for helping to create what will soon be the largest freshwater marine protected area in the world.

However, more is needed before communities like Terrace Bay, Schreiber, Pays Plat, Rossport, Nipigon and Red Rock can benefit fully from the tourism potential. We need access points to the lake, safe harbours, scenic lookouts and rest stops along the highway, and stable funding for economic development offices in these towns.

A visitor centre is a high priority, as is a research facility that will help us to learn about our boreal watersheds and protecting the integrity of our great lake.

I salute all those who made this a win-win for both tourism and the environment, but urge the government that the work is not yet done.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, the leader of the Liberal Party said that Canada is the laughingstock of the world. Is he really in touch with Canadians and their needs?

He has been away for 34 years. He has called himself an American. He has called our flag a pale imitation of a beer label and he has accused fellow Canadians of living in a fantasy land.

Now he has come back to Canada to implement a job-killing carbon tax, to implement a GST hike, and to implement a tax hike. He said, “We will have to raise taxes”.

When his visit to Canada is over, Canadians hope he takes his harmful tax hike policies back with him.

Our economic action plan is helping Canadian families cope with the global recession. Our economic action plan is reducing taxes, creating jobs and delivering results for Canadians.

Canada's economic situation is currently the envy of the world. Canada is not a laughingstock.

* * *

[*Translation*]

ALEXANDRE PÉLOQUIN

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, today the Bloc Québécois would like to honour the memory of Alexandre Péloquin, a soldier in the 3rd Battalion of the Royal 22nd Regiment, who was killed yesterday in the theatre of operations in Afghanistan.

Quebec is proud of this soldier and of this regiment. We have never doubted the courage of these men and women who are devoted to their mission. Their efforts and dedication to achieving peace are exemplary. Achieving lasting peace will always be a noble cause. That is why we must hope that the sacrifices these soldiers make will not be in vain.

My Bloc Québécois colleagues and I would like to offer our most sincere condolences to Alexandre Péloquin's family, friends and colleagues. We are deeply saddened.

Take heart; our thoughts are with you.

* * *

● (1415)

[*English*]

INFRASTRUCTURE

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, one can hear a lot of colourful language in public transit stations. Sometimes it is the chorus of people speaking in different languages at the same time. Sometimes one hears language that would be defined, well, as coarse.

However, there is nothing pretty about the language that the Minister of Transport, Infrastructure and Communities hurled toward the city of Toronto and, indeed, its citizens. When discussing the only infrastructure application Toronto submitted to the federal government, a modern light rail streetcar fleet, the minister stated that Toronto should go—well, I will not parrot the minister in giving directions.

When in the Harris government, he often displayed contempt for Toronto. The minister has changed his role now, but not his views. Torontonians are appalled at the government's coarse, dismissive, flippant attitude toward us. The minister and the government clearly are not willing to work with Toronto, but Liberals are.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, 34 years after leaving this country, the leader of the Liberal Party has returned with a plan to bring Canada back to the tax and spend ways of the Liberal Party that Canadians know so well. In fact, he even refers to himself as a “tax and spend Liberal”.

He is also the leader of the party that first pushed for a carbon tax, so he should not be at all surprised that on the weekend he became leader of the Liberal Party was the same weekend his party reaffirmed its support for the job-killing tax.

The Liberal leader said, “We will have to raise taxes”. He made this statement during a global economic crisis, when all economists agree that raising taxes is the worst things to do.

The Liberals may want to raise taxes, but Canadians know this Conservative government “will not raise taxes”.

ORAL QUESTIONS

[*Translation*]

MINISTER OF NATURAL RESOURCES

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, in a private conversation, the Minister of Natural Resources has described the isotope crisis as sexy as far as her career advancement is concerned.

How can the Prime Minister explain these words of his minister to a woman who has just learned she has breast cancer, and is waiting for a test that she cannot have because of the isotope crisis?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the isotope crisis is very serious, and this is why the government has been working for some time to help solve the situation concerning the world's isotope supply. This is a very critical supply situation.

The Minister of Natural Resources is working very hard to ensure an adequate future supply. She works very hard and the public is well aware of her record on this.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, there are no apologies forthcoming, not a one. That is astonishing.

[*English*]

Let me try in English. Last week a curtain parted to reveal the government's deep cynicism about the issues facing our country. The concerns of our largest city are dismissed with a profanity. A health care crisis is designed or re-described as an opportunity for career advancement.

How will the Prime Minister explain the comments of his minister, not to this House but to a woman who has been diagnosed with breast cancer who is desperate for a scan and who cannot get it because of the isotope shortage?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government has been seized with this issue for some time. We have a very delicate worldwide supply of isotopes.

The minister has been working around the clock to ensure we get a greater supply of isotopes and to ensure we have alternative options for our health care patients in our country. That is what the minister is doing and that is what this government is doing, not playing cheap politics.

● (1420)

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the cheapest politics there is, is to call a crisis a career opportunity. This is not. This is about the minister's performance.

The government knows there are not enough isotopes. Today we have learned from the Dutch that if Chalk River is shut down for a protracted period, we will face a disastrous global shortage. The minister's performance is the failure here.

How can she explain that failure to patients waiting for cancer tests who are waiting in vain because of those members incompetence?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the House knows that AECL did an unscheduled shutdown of the Chalk River reactor for health reasons.

This government has been working since November 2007 to address the delicate situation we have in isotope supply. No one has been more prominent in those efforts than the Minister of Natural Resources and her officials who are working around the clock and around the world to address this problem.

I wish the member would stop playing cheap politics and help solve that problem.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, today, on average, 62% of Canadians diagnosed with cancer survive. In the 1960s it was one in three.

Survival rates have nearly doubled over four decades thanks to medical advances in cancer testing, rates that depend on daily access to medical isotopes, which thousands of Canadians no longer have.

How can Canadians possibly believe the Prime Minister is treating this crisis with the competence and the urgency it deserves when the minister, in her own words, is willing to "roll the dice" with the health of Canadians in order to climb a political ladder?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, this is a very serious issue. The shortage is a concern. Canadians can have confidence that I will take the necessary steps to protect the health and safety of Canadians.

For the last 18 months, my department has been working very closely with the experts, the provinces and the territories on contingency measures that are being used in situations like this.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, in his ruling Justice Gerald Moir stated that this issue, "is literally a matter of life and death for cancer patients. It is a matter of intense public interest". However, according to the minister, her driving interests are her own, not the interests of Canadians.

Given her inability to comprehend the seriousness of the situation from the outset, her cavalier attitude toward an emerging national health crisis, her lack of faith in the health minister, her failure to secure access to the medical isotopes Canadians need, how can she possibly be left to manage this file?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, to review what we have accomplished on this file since 2007, we have undertaken a major study of AECL and we have actually taken a decision on how to move forward with AECL.

We have also taken great steps with respect to medical isotopes. We have struck an expert panel to review the submissions we are receiving on the long term supply. We are working with the United States on a medium term supply and, more fundamental, on the global supply.

Once again, I have to correct the Leader of the Opposition. The Dutch have said that they are willing to shorten up their time of being down this summer. Further, they are willing to put off their time operation until March next year.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): By leaving important documents at a television station, the Minister of Natural Resources has contravened the rules of ethics established by the Prime Minister himself. She ought to have been dismissed then, but the Prime Minister refused to do so. We have since learned of her irresponsible comments concerning the isotope crisis.

Will the Prime Minister respect his own rules and at last dismiss his Minister of Natural Resources?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated with respect to last week, it was a serious matter. We took constructive steps in dealing with the issue.

More important, speaking of the global situation regarding isotopes, it is Canada that is leading the efforts in bringing the globe together in dealing with this fragile supply that we have. It has been recognized by other countries. Indeed, next week a high level committee is coming to Toronto to meet to discuss the issues and also to have meetings with AECL regarding the matter.

● (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this minister has not even had the decency to make an apology here in this House, when we are well aware that on the recording that was left behind, she referred to of the isotope crisis as sexy and good for her career prospects. I wonder whether the patients still waiting for a medical exam because of the shortage of isotopes find anything sexy about their situation.

Given how little empathy and how much opportunism has been shown by his minister, the Prime Minister has no choice but to dismiss her. What is he waiting for?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, let us be clear. The only people who are interested in political opportunism are the members of the opposition in the sense that they are the ones talking about it.

We are actually the ones who are doing something on the crisis. Indeed, it is this government that has taken steps regarding it as compared to a Liberal government, which for 13 years and five cabinet ministers refused to assess the situation realistically and take steps to deal with it.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, medical isotopes and cancer patients are merely an opportunity to boost her career, according to the Minister of Natural Resources. No empathy for the thousands of patients concerned by the lack of isotopes. She even went so far as to make disparaging remarks about her colleague from Health rather than try to quickly resolve the crisis.

Will the Prime Minister acknowledge that his minister is incapable of dealing with the crisis and that he must fire her immediately?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, this is a serious issue. The shortage is of concern. Other alternatives are available. Over 50% of the uses of TC99 are for heart scans. Thallium can be used as an alternative in many of these cases. The next largest use of TC99 is for bone scanning. Again, there are other alternatives. Sodium fluoride can be used in these cases.

We have approved clinical trials and special access program requests. This provides Canadians with greater access to alternatives. For the last 18 months, my department has been working very closely with the provinces and territories.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, by refusing to fire his minister, the Prime Minister is proving that his own code of ethics has been set aside and that the dismissal of the member for Beauce last year was under false pretences. The fact of the matter this time is that he does not want to risk losing votes in the greater Toronto area and that there is a flagrant lack of succession in this government

Is this not the real reason—electoral considerations first and foremost?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we indicated last week, it was a very serious issue with respect to the documents. Indeed, we took action on the matter. I offered my resignation to the Prime Minister. He did not accept it. The individual who was responsible for the handling of the documents offered her resignation and I did accept it.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, people are scandalized by the attitude of the Minister of Natural Resources. Let us look at the events. We have the medical isotope crisis, the forgetting of secret documents, not to mention the dubious spending when she headed the agency managing the port of Toronto and, especially, her disgusting attitude toward people suffering from cancer. The minister has shown she is not worthy of her office.

Why has the Prime Minister not insisted today in this House that the minister apologize to Canadians suffering from cancer?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, let us be clear. As we indicated, the only political opportunism that is coming out right now is that of the opposition. This government is working very hard with respect to the medical isotope issue. We are engaging globally. My colleague, the Minister of Health, is doing an excellent job engaging with her provincial and territorial colleagues in terms of the shortage of supply.

The NDP members, of course, are well versed in the land of conspiracy theories. That is indeed what they are putting forward today.

● (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, a lot of us in the House and those watching are surprised and shocked that there has not at least been an apology for the remarks that were made. Not only is the minister losing secret documents, she expected a career bounce as a result of a medical crisis. This is a crisis in a ministry for which she is ultimately responsible.

There is nothing sexy about thousands of suffering Canadians on waiting lists for cancer treatment. There is nothing sexy about radiation. There is nothing sexy about losing a family member to cancer.

Why will the minister not resign and the Prime Minister accept it?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, for the leader of the NDP to indicate that we do not have any caring on this side of the House is simply a ludicrous statement. Every member on this side of the House unfortunately has been touched by illness, has been touched by sickness and indeed has been touched by cancer. That is what motivates us here in caring for the health and safety of Canadians.

That is no different in my portfolio. With my officials and the Minister of Health, we are working diligently and very hard on this issue to make sure that we get action instead of rhetoric, conspiracy theories and personal smears.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the minister does not think it is a moral issue that lives are on the line, but I can tell her that every Canadian who is dealing with cancer today does think it is a moral issue. People are being told that they have to wait in line for diagnosis and treatment. What do we have? We have a minister who is playing one-upmanship games with another minister in the cabinet.

This is so wrong. A minister wants to roll the dice on an issue that is so fundamental. What the hell is wrong with those people?

The Speaker: Order. I am not sure I heard the hon. member right, but I hope he did not use that word. He should have known to refrain from such excesses.

The hon. Minister of Health is rising to respond to this question.

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, this is a serious issue. I have been in regular contact with my provincial and territorial counterparts. For the last 18 months, my department has been working very closely with the experts in the provinces and territories on contingency measures.

Some of the strategies being used by doctors include triaging patients to ensure that when alternatives are available, they are used, and working flexible hours when they receive the Tc99. This way they can maximize the use and minimize the delay. There is also the sharing of supplies between rural and urban centres. These are some of the measures that we are taking with the provinces and territories.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, now that the courts have ordered a tape of the natural resources minister to be made public, we know that she saw this national health crisis, one she appears to be unable manage, as an opportunity to boost her career. I cannot believe the minister does not relate to the anguish of Canadians waiting for their cancer diagnostic tests.

Would she tell Canadians exactly what she finds sexy about cancer and the devastating impact it has on their lives?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated, this government has done much work on the issue of medical isotopes.

As the hon. members knows, the comments associated with me were made on January 30, well before this current issue that we are dealing with. What it does show is that we have been considering this issue in a very serious manner since November 2007. We all take it very seriously. Indeed, being an individual who has had to deal with cancer in my life as well in terms of my family members, I certainly feel the pain and I certainly feel the empathy.

● (1435)

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, as the minister has just said, many people in this House and in Canada have family members who have been victims of cancer.

For this reason, the Coalition Priorité Cancer au Québec has expressed concern over the lack of information to reassure those with cancer and their families.

The minister must understand that Canadians are worried about their cancer diagnosis. She must explain how she could use the term "sexy" in talking about a national health crisis, when thousands of Canadians depend on these isotopes. How—

The Speaker: Order. The Hon. Minister of Health.

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, I am in regular contact with my provincial and territorial counterparts on this issue. We have to remember that I have to work very closely with the provinces and territories, which are responsible for the delivery of health care, as we deal with the situation.

An ad hoc group of health experts prepared a report on lessons learned from December 2007. I am pleased to say that all the recommendations within Health Canada's mandate have been implemented. We have improved communications by developing a communication notification protocol. We are ensuring physician engagement in decision making.

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PUBLIC TRANSIT

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, the Minister of Transport claims to support urban transit, so Toronto made but one request for infrastructure spending: new streetcars. The minister's response? Profanity. He told Torontonians in a word or two where we could go.

Is this what we can expect from a minister of the Crown? When will he apologize to the mayor, the council and, most important, the people of Toronto?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I was speaking out of frustration and I certainly expressed that. This morning I phoned Mayor Miller and apologized. The mayor and I both agreed to look to the future, to continue to build on the important investments that we need to make in public transit. We have committed to work with him over the next few weeks to make it happen.

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, on this side of the House we know about frustration, especially today.

A vulgar attack on the people of Toronto is unacceptable, in public or in private, by a minister of the Crown. We are once again hearing the true feelings that the government has for Toronto. However, Torontonians are thick-skinned. All we want is our fair share, and that fair share will help the rest of Ontario and Canada. Spending on transit in Toronto creates jobs in this country.

When will the minister stop attacking and start working with the people of Toronto?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I will tell the member opposite exactly when.

We did that when we announced more than a billion dollars to support the expansion of the Spadina subway. We did that when we invested a quarter of a million dollars in GO Transit. We did that when we announced in our budget support to refurbish Union Station. The Prime Minister did it two weeks ago when we committed to support the Sheppard line.

This government is making an unprecedented commitment to public transit in the city of Toronto, and the best is yet to come.

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[*Translation*]

ROYAL CANADIAN MINT

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, this government is a real sieve. A minister forgets secret documents at his girlfriend's, another minister leaves behind documents in a television studio and loses compromising cassettes and, to top it all off, the Royal Canadian Mint cannot account for gold ingots worth millions of dollars.

Will the Prime Minister indicate what emergency plan he intends to put in motion to deal with this serious crisis of incompetence?

[*English*]

Hon. Rob Merrifield (Minister of State (Transport), CPC): Yes, Mr. Speaker, the Mint has lost track of precious metal and that is why we brought in an external audit.

This morning I found out that the Mint will not be able to reconcile all of the missing money with the audit. I have instructed the Mint to bring in the RCMP to examine this matter in a fulsome way.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, to fight the deficit, the Minister of Finance is asking citizens to tighten their belts.

Should the minister instead be tightening his controls to prevent money from disappearing from the vaults and helping people cope with the crisis?

● (1440)

[*English*]

Hon. Rob Merrifield (Minister of State (Transport), CPC): Mr. Speaker, we all are very concerned and want to make sure that the Mint is dealing with taxpayers' funds in an appropriate way. It is a crown corporation and works at arm's length.

I have instructed the Mint to bring in the RCMP to make sure that there is thorough examination of what has been going on.

* * *

[*Translation*]

FORESTRY INDUSTRY

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, the board members of the regional conference of elected officials in the Saguenay—Lac-Saint-Jean area are very bitter because the government is not taking any action to deal with the crisis in the forestry sector. The vice-chair of the conference said that people are exasperated by the situation and that there has to be movement before June 18.

Will the government finally realize that the forestry sector needs accessible loan guarantees now?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC): Mr. Speaker, Canada Economic Development, together with the Province of Quebec, announced assistance totalling $200 million for forestry work over the next two years. Also, Export Development Canada has confirmed that there is access to credit, contrary to what the Bloc has said.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, the FTQ regional representative agrees with the regional conference of elected officials and deplores the fact that this government makes so many announcements and gives so many speeches, but does absolutely nothing. Assistance for the forestry sector is never available.

Will the ministers from the Saguenay—Lac-Saint-Jean region ever do their jobs and ensure that loan guarantees will really be available to the forestry sector?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC): Mr. Speaker, Economic Development Canada contributions have saved 8,000 jobs in Quebec's forestry regions. By providing loan guarantees, creditor insurance and other credit facilities to all Canadian businesses, EDC is confirming our government's desire to support the forestry industry.

[*English*]

MEDICAL ISOTOPES

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, we heard today from the Canadian Breast Cancer Network that it is appalled by the frivolous attitude and the lack of respect of many elected officials on the severe shortage of isotopes that is affecting Canadians. It says that the large gaps in the Canadian health care system should not be seen as opportunities to make political points.

How is the Minister of Natural Resources able to look in the eye of someone who has just been told he or she has cancer? When will people get their tests?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, yes, the shortage is very serious. Canadians can have confidence that we are taking the steps that are necessary to protect the health and safety of Canadians.

Together with the provinces, the territories and medical experts, we have actively planned for disruptions by working with isotope experts to develop guidelines on dealing with the shortage. We are using all regulatory powers, such as the special access program and clinical trials, to ensure that alternatives are available for Canadians.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, let me put a human face on the crisis for the minister.

Over 60 times every day in Canada, a woman is called back to her doctor's office and told that she has cancer. She is told that her treatment depends on the results of a bone scan. Right now she is being told that no one can tell her when that bone scan will be. Her treatment will have to wait.

In January the Minister of Natural Resources said she would fix it. Could she explain why the situation is worse than ever, and why women with breast cancer will have to wait? When will they get their tests?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, this is indeed a very serious issue for the points put forward by the hon. member.

I can tell Canadians what we are doing. Since November 2007, we have put together a plan to deal with isotope reductions in terms of contingency planning as well as reaching out to the global community.

Currently AECL is undertaking an inspection, progressing to repairs of the NRU in order to start the process again there. Globally we are co-operating on increasing supply.

The Minister of Health has shown leadership on H1N1 and is showing leadership again on medical isotopes in working with—

The Speaker: The hon. member for Pierrefonds—Dollard.

[*Translation*]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, people across Quebec who are awaiting nuclear diagnostic testing for cancer and other serious illnesses are already terribly worried. As a doctor, I have seen the fear in their eyes; I understand their apprehensions and share their concerns.

Does this government have enough compassion and empathy to realize that we are talking about the fate of hundreds of Quebeckers and Canadians who deserve to be cared for quickly?

● (1445)

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, again, for the last 18 months, we have been dealing with the provinces and territories and medical experts to develop plans to manage this situation.

I can assure the member that we are doing everything within our power to ensure that alternatives are available for the provinces and territories. We will continue to work with the provinces and territories as we manage the situation.

[*Translation*]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, health care professionals in Quebec have worked miracles so far, but they cannot do so forever. They have extended their hours of service and are making sure that not a single gram of isotopes is being wasted. Dozens of tests have already been postponed. The situation can only get worse if this government does not immediately find a way to guarantee isotope supplies, instead of denying everything.

How will this government, which is insensitive to human suffering and anxiety, ensure that isotopes will be available at all times?

[*English*]

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated, we are working with the global partners. There are five nuclear reactors in the world that create medical isotopes. One of them is the Canadian one, which is down for the health and safety of Canadians because it needs to be inspected for potential repairs.

There are other reactors in the world. We have been working with the reactor operators in terms of scheduling maintenance and in terms of scheduling ability. In fact, we have had a breakthrough with respect to Petten increasing by 50%, South Africa increasing by 30%, as well as Australia hopefully coming on line sooner.

We are dealing with it. We are working on it. We are taking action.

* * *

HIS HIGHNESS THE AGA KHAN

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, our Conservative government has built a strong and meaningful relationship with His Highness the Aga Khan, imam of Ismaili Muslims worldwide. We have partnered on numerous projects in Asia, Africa and Afghanistan, where the Aga Khan Development Network is a vital partner in our efforts to secure and improve the lives of Afghan citizens. We have also partnered on the Global Centre for Pluralism right here in Ottawa to promote ethnic, cultural and religious tolerance.

Would the Prime Minister take this opportunity to update the House on any developments in Canada's relationship with the Aga Khan?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, first, I think I speak on behalf of all members in congratulating His Highness the Aga Khan on receiving an honorary doctorate today from the University of Alberta.

The Aga Khan, with his network of agencies, is a great partner and long-time friend of Canada, and a great benefactor to humanity. He is truly a beacon of humanitarianism, of pluralism and of tolerance throughout the entire world.

I have informed the Aga Khan that our government will be seeking the consent of the House to extend honorary citizenship to His Highness. I hope that all members will see fit to confirm it.

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PUBLIC TRANSIT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the Conservative government is arrogant, vicious and hurtful.

One minister finds cancer sexy. Believe me, cancer is not sexy. The same minister gouged taxpayers when she was the boss of the Toronto Port Authority. Then the Minister of Transport covered it up by hijacking the constitution of the port authority and stuffing the board with his cronies. Yesterday he cursed and gave the finger to the people and the government of Toronto.

Will he apologize here publicly and admit that he is wrong?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the member might have heard my answer to the question from the member for Don Valley West where I did just that.

When it comes to the Toronto Port Authority, it is very important that we put on the record that the member for Trinity—Spadina does not support the Toronto Island Airport. She does not support Porter Airlines. This government does, just as the previous Liberal government did.

We also support the thousands of construction workers at Bombardier who are building world-class airplanes which are being used at this airport. Step by step we are committed to getting the job done. All the smears from the member opposite will not improve the situation whatsoever.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the know-it-all minister does not understand that the streetcars come from Bombardier, a Canadian company hiring Canadians. The know-it-all minister does not realize that Toronto streetcars do qualify for this funding. There are immediate jobs created here, planning, engineering and tooling jobs. It is good for the economy and good for the environment. However, all the Minister of Transport has to offer to Toronto are swear words and contempt.

When will the government give Toronto the streetcar funding it deserves and needs desperately?

● (1450)

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, 425 municipalities around Ontario were able to fill out the one-page online application form properly. One did not. That is a fact.

We are committed to supporting public transit in the city of Toronto. That is why the Prime Minister has announced funding for the Spadina subway expansion. That is why we are supporting GO Transit in an unprecedented way. That is why the Minister of Finance is providing funding to help refurbish Union Station. That is why the Prime Minister of Canada stood with Premier Dalton McGuinty to put our money where our mouth is to support the Sheppard LRT line.

We are delivering for Toronto. We are getting the job done.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, after agreeing with the consensus reached at the Bali climate change conference in 2007, the Minister of the Environment now maintains that the objectives set were not Canadian but European, and that the target of 25% to 40% reduction is not realistic for Canada.

Does the minister's hypocritical attitude on this matter not reflect the general attitude of this government, which talks a fine talk but does not think twice about reneging on commitments at the earliest opportunity?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, our position has always been the same and has always been very clear: a realistic greenhouse gas reduction target for Canada is 20% by 2020, using 2006 as the reference year.

Our Canadian target takes the Canadian reality into consideration, for example our industry, our climate and our geography. The Bloc Québécois continues to work with us.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, what the minister fails to mention is that his 20% targets are intensity targets, and will be harmful to Quebec manufacturing. That is the reality.

Is the Minister of the Environment going to deny that the reason his government made numerous sabotage attempts in Bali, as they did in Poznan, is that its true objective was to slow things down as much as possible so that its oil company pals could continue to pollute without being hampered by restrictive targets?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, we can always expect a partisan attitude from the Bloc Québécois. We are following certain principles that resulted from the climate change discussions, such as balancing environmental protection and the economy, the view over the long term, the development of green technologies, and the inclusion of all polluters.

Those are the main efforts made by the Government of Canada, and progress is being made as far as climate change is concerned.

[*English*]

MEDICAL ISOTOPES

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, again these are the words of the Minister of Natural Resources: "It's sexy. Radioactive leaks. Cancer. When we win on this, we get all the credit. I'm ready to roll the dice on this". The Prime Minister has embraced his minister with no sanctions whatsoever, so the Prime Minister now owns those words.

Will he tell cancer patients waiting in the queue for the tests they cannot get today in Saskatchewan just exactly what is sexy about their pain and their anguish?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as we have indicated, we have been working on the issues of shortages of medical isotopes for a very long time, not just as a result of this unplanned, unexpected outage of the NRU.

We have actually put an action plan together. We delivered on a five point plan and we continue to work with our global partners, which is a far cry more than when the member opposite was the minister of natural resources, knew about the issue with the MAPLEs, knew about the difficulties we had with the MAPLEs and did absolutely nothing. What does he tell cancer patients?

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the facts are clear. The breakdowns have occurred on her watch, not our watch.

The Minister of Natural Resources thinks the Minister of Health is incompetent. She said so. This makes both ministers dysfunctional in the midst of a national emergency. The Minister of Natural Resources tearfully apologized to her colleague, but it is not the feelings of the Minister of Health that are at issue. The pain and suffering of cancer patients is the issue, 5,000 of them every day.

Will the minister apologize to them and will she compensate the provinces for all of their extra expenses because of her incompetence?

● (1455)

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as much as the hon. member wants to hide behind my skirt, the reality is that he was the one. He was the minister who held the same portfolio as I do. It is very important to recognize that the Minister of Health is a strong, capable Minister of Health who has handled the extraordinarily difficult issues of H1N1 and medical isotopes. I am proud to serve with her as part of this cabinet and I can speak for her personally.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the Minister of Natural Resources has shown she cannot handle her job. She is leaving top-secret documents behind and sees medical isotopes as a career opportunity.

She just claimed the Dutch were onside with her plan, but the Dutch are not okay with her plan. Canadians are not okay with her plan.

Helping cancer patients should not be about rolling the dice. Why will she simply not resign?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, as I indicated, the one thing that is important in a crisis like this is for Canadians to understand the facts and not to have conspiracy theories or falsehoods put before the House and Canadians. The reality is that we are working with the global medical isotope community both in terms of the shortage here, but more important, in terms of increasing the supply that is so important and so fragile in the world. Australia is working with us. Petten is working with us. Belgium is working with us. Why will the NDP not work with us?

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the facts are today the minister had the opportunity to show some dignity and apologize to Canadians suffering from cancer for her callous remarks. She did not. She could have resigned, but she is still here. She does not seem to understand how hurtful her comments are to Canadians. Does she not see that the damage done to Canadians' faith in their government to help them has been suffering by her actions? Why is she still here?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, it is the actions of this government that matter in dealing with the medical isotopes. Since November 2007, we have dealt with this issue in a forward thinking way. We have taken action, which is something that the Liberals did not do in 13 years in government. We are working with global partners. Indeed, we have a recognized leadership role in the world with respect to medical isotopes and we will continue to use that next week in Toronto when the world comes to Toronto to discuss the issue.

* * *

AFGHANISTAN

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, members of the House have spent considerable time questioning the government about the circumstances surrounding the detention and treatment of Taliban prisoners transferred by Canadian Forces members. Canadian Forces members were, by innuendo, accused of possibly abusing defenceless persons and of failing to investigate injuries.

Our government initiated a number of investigations into these allegations. Could the Minister of National Defence tell us if these investigations are concluded and if so, what were the results?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the Canadian Forces National Investigation Service report has concluded the allegations of abuse were unfounded. Then a Military Police Complaints Commission report stated "there was no harm done". The prisoners were provided with "a high standard of medical care". Today the board of inquiry after two years of work, 40 days of hearings, 121 witnesses, has found that the conduct of the Canadian Forces personnel was "consistently above reproach when dealing with the prisoners in Afghanistan".

There were three investigations and three clearances of the forces. Canadians know their forces are the finest in the world. They are courageous, honourable and bring pride to our country at home and abroad.

* * *

TRADE

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the west coast U.S. ports have accused the ports of Vancouver and Prince Rupert of receiving illegal subsidies under the WTO just because our governments in Canada have attempted to provide better roads and rail links to our ports.

Our government's right to invest in better rail and roads is fundamental to our ports and our economic progress. It is a question of our sovereignty.

What is the government doing to protect our sovereign right to make these nationally important investments in our ports?

● (1500)

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, we are getting the message out around the world that the Asia-Pacific advantages that we have put in place, including infrastructure, our very competitive tax regime and a sound banking system, are an invitation to other countries to consider investing in Canada, in the Asia-Pacific in looking at their shipping opportunities. These are clearly areas that we have taken a close look at to ensure we are not off-side in any areas of trade.

We are proud of what we have done with the Asia-Pacific initiatives. It gives a great advantage to Canadians and a great advantage to people wanting to do business with Canada.

* * *

[*Translation*]

RADIO-CANADA

Mr. Roger Pomerleau (Drummond, BQ): Mr. Speaker, today, Radio-Canada employees launched a huge campaign in support of the public broadcaster together with VIPs from communities and regions across Quebec and Acadia. The purpose of the campaign is to get stable, increased funding for Radio-Canada.

Will the Minister of Canadian Heritage and Official Languages finally agree to this request, which has the support of all Quebeckers, and will he do so right away?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, year after year, in the last four Conservative budgets, the Conservative Party has kept its election promise to maintain or increase CBC/Radio-Canada's budget. That is what we did. We delivered the goods.

Unlike the Bloc Québécois. The Bloc's platform, *Agir maintenant*, its economic plan, does not even mention CBC/Radio-Canada. One would never guess that our public broadcaster was a priority for the Bloc Québécois.

[*English*]

EMPLOYMENT INSURANCE

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, the government is ignoring the barriers that women face when it comes to employment insurance.

The status of women committee heard from witness after witness who testified that women and part-time workers were being shut out of EI. The numbers speak for themselves. Coverage rates for unemployed women have declined from 82% in 1989 to 39% in 2008, this despite the claim of the Conservatives that they have done enough to fix the system.

Why is the government ignoring women and refusing to remove the barriers that prevent women from accessing EI?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the fact is our EI system treats everyone equally. It treats men the same as women. There are no gender differences. Everyone pays in at the same premiums. They receive benefits on the same basis.

We are working very hard to ensure that system remains equal and fair to all involved and that the assistance we provide to those who are unfortunate enough to lose their jobs is maintained on the same basis.

Those extra benefits we have offered to men and women to help them through these challenging economic times, every benefit we have offered has been voted against by the NDP.

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TRADE

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, when the U.S. Congress included buy American provisions in its stimulus bill earlier this year, Canadians were justifiably concerned.

The U.S. market represents a $375.5 billion destination for Canadian exports. Trade with Canada supports more than seven million U.S. jobs. That is why our government is taking every opportunity to urge President Obama and the Congress to honour their international trade commitments.

Could the Minister of International Trade tell the House what else our government is doing to ensure Washington hears this message loud and clear?

Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, the free trade agreement prohibits the federal and national levels from getting into protectionist activity. However, it does not put the same prohibitions on the state, provincial and municipal levels.

Provinces and municipalities in Canada have not lapsed into protectionist activity, but unfortunately that is happening in the states with the buy America provisions. We are hitting that at every level, including today on Capitol Hill. Our consuls general and trade commissioners are speaking to congressmen and women right through the political realm there. We are dealing with it at the administration level.

Business in the U.S. is now supporting us. The *New York Times* is supporting us on this, as well as the World Bank president. We are making headway—

* * *

● (1505)

PRESENCE IN GALLERY

The Speaker: I wish to draw to the attention of hon. members the presence in the gallery of His Excellency Luka Bebic, President of the Parliament of the Republic of Croatia.

Some hon. members: Hear, hear!

The Speaker: I also wish to draw to the attention of hon. members the presence in the gallery of the Hon. Zheng Silin, Chairman of the China-Canada Legislative Association of the National People's Congress.

Some hon. members: Hear, hear!

The Speaker: Order, please. If I could deal with one matter arising out of question period, the hon. Minister of Canadian Heritage, during the course of his reply to a question, was holding some documents and waving them about. I thought he would quote from the documents and had he done so, there would have been absolutely no problem. However, some hon. members feel the minister was using these documents as a prop.

He is very experienced and he knows props are not something that are used in the House. I would caution him that if he is to wave a document about, he might want to quote from it, otherwise he might be accused of using a prop.

I give the same warning to all other hon. members just in case.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions), be read the second time and referred to a committee.

The Speaker: Order, please. Before the interruption in the debate the last time, the hon. member for Vancouver Kingsway had the floor. There are 15 minutes remaining in the time allotted for the hon. member's remarks.

I therefore call upon the hon. member for Vancouver Kingsway.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, as the House may know, prior to question period I was discussing Bill C-19, which engages the issue of civil rights in this country.

I would like to point out the valuable work that is done in our country on behalf of the civil rights of ordinary Canadians and, in fact, on behalf of people all over North America, by people like James Hoffa, president of the International Brotherhood of Teamsters, John Murphy, an international vice-president, the Canadian president of Teamsters Canada, Robert Bouvier, international vice-president and long time British Columbia teamster, Don McGill, Ontario teamster Larry McDonald and the very fine work done at the grassroots level fighting for the rights of people every day by British Columbia teamsters Jure Kelava, Maureen Roberts and Larry Sargeant.

These are the kinds of people who go out every day and help support and strengthen the civil and human rights of Canadians in our country. It behooves everyone in the House to remember the efforts of such people when we are debating bills, such as Bill C-19.

Getting back to the gist of Bill C-19, prior to the break I was speaking about the first problem with the bill, which is forced testimony under compulsion of prison under the Anti-terrorism Act.

The second thing in the bill, which is highly objectionable to anyone who cares about human rights, is the provision respecting preventative arrest, meaning that the state can imprison someone for up to 12 months, without ever laying a charge, on the mere suspicion of being involved in a terrorist endeavour.

Clause 1 of Bill C-19, which re-enacts section 83.3 of the Criminal Code with substantially similar provisions, deals with recognizance with conditions and preventative arrest to prevent a potential terrorist act. Under this re-enacted section, with the prior consent of the Attorney General, a peace officer may lay information before a provincial court judge if he or she believes that a terrorist act will be carried out and suspects that the imposition of a recognizance with conditions or the arrest of a person is required to prevent it.

Such a detained person must then be brought before a judge within 24 hours or as soon as feasible thereafter, which is not spelled out, and at that time a show cause hearing is held. If a judge determines that a person should enter recognizance, the person is bound to keep the peace and respect other conditions for up to 12 months, to which it is unlikely a terrorist will not agree. However, if the person refuses to enter into a recognizance or disagrees with the conditions in any way, the judge can order that person to be imprisoned for up to 12 months.

As I said before the break, our school children know about the right to remain silent. They also know of the presumption of innocence. They believe strongly in the western British tradition that informs the justice system in Canada, that people cannot be jailed on mere suspicion. They should not be jailed without being arrested, charged or convicted on any charge. That is exactly what the bill does.

First, New Democrats are opposed to the bill because it is an ineffective way to combat terrorism. Second, it is an unnecessary and unwelcome infringement upon our civil liberties. As I said before, we cannot protect freedom by offending it. We cannot protect human rights by infringing them. We cannot strengthen due process by abandoning it.

The Criminal Code already contains the necessary provisions for investigating those who are involved in criminal activity and for detaining anyone who may present an immediate threat to Canadians. We believe terrorism cannot be fought with careless and rights offending legislation, but it can be fought with intelligence efforts and appropriate police action.

I am proud to say that the NDP is once again taking a stand against the Conservative government for going too far. I am not taking this position just to take a stand against the government, but I will take a stand against a government that goes too far in pursuing a national security agenda that violates the rights of Canadians. We all believe it is important to protect national security, but it cannot be done at the expect of civil liberties.

● (1510)

Ensuring public safety is essentially about protecting Canadians' quality of life. We hear the government side say that all the time. But quality of life can be defined in many ways. If we talk to our family members, neighbours or people in the community, I would dare say they would define quality of life in a variety of ways. However, it would be by defining the right to live in peace, the right to pursue liberty and happiness and the right to be protected against offensive incursions of liberties by a state.

I think that two other things come out. While they are in favour of protecting Canada against terrorism and in favour of having a country that is secure, they are also in favour of freedom and civil rights. Security means feeling safe. It means feeling that our country and communities are safe and that we can safely go out into the streets. However, it is also about feeling that our federal government, provincial governments, courts and country are protecting us. That means protecting our civil liberties and human rights.

In addition, Canadians want to see any kind of security legislation balanced against these rights, because freedom and rights are as dear in principle to Canadians as national security. For some reason, the Conservative government is either unwilling or unable to find that balance, as has proven by introducing Bill C-19 and also the security certificate legislation. With both of these pieces of legislation, the Conservatives take the wrong approach. They take an unbalanced approach to fighting terrorism in Canada.

Do we need to fight terrorism in Canada? Of course we do, but there are many tools at our disposal currently in the Criminal Code that could be used as opposed to introducing yet another piece of legislation.

Let us look at the facts. I have said that this legislation is unnecessary. It was not used once in the first five years of its being introduced in 2001. The government says that it is necessary. If it is so necessary, why has not one person been brought before a judge on it?

Second, is it effective? Again, not one person has ever successfully been brought before a judge on it, so how can we say?

However, I do know there has been one case of someone being successfully prosecuted in this country under the Criminal Code for an alleged conspiracy to commit terrorism, and that is Mr. Momin Khawaja. The important lesson to be learned is that under our normative criminal laws right now and our current legal framework, we are successful at prohibiting and interrupting any attempt by anybody in this country who might wish to commit a terrorist act. This legislation is not necessary.

However, I can say that there are at least five examples of Canadian citizens in the last eight years who have had their rights offended because of the Anti-terrorism Act's provisions that hearken back to 1950s McCarthyism. The Anti-terrorism Act in this country allows trials to be conducted in secret. It allows testimony to be heard behind closed doors. It truncates the ability of accused people to have their counsel of choice cross-examine and test evidence that is presented in private.

Who am I talking about? I am talking about people like Maher Arar. I am talking about people like Mohamed Harkat. I am talking about Messrs. Nureddin, El Maati and Almalki, who have been rendered to foreign prisons because of secret, untested testimony. They were tortured in Syrian and Egyptian dungeons. Mr. Harkat has been under a security certificate for five years for absolutely nothing.

The same reasonable and probable grounds that the members on the opposite side say have to be demonstrated before any of the imprisonments, security certificates or violations will be implemented will not protect them. The same testimony by CSIS, which resulted in all five of those men losing their liberties and being tortured, has now been cast under a cloud of suspicion.

● (1515)

Just two weeks ago, the Federal Court issued a stinging decision that questioned the compliance of CSIS with court orders. It raised the possibility of prevarication by CSIS witnesses. For everybody in this House, "prevarication" is the polite way for a judge to say "lying". It found that CSIS buried and actually kept evidence from the special advocates appointed to defend Mr. Harkat, which cast doubt on the reliability of the secret witnesses against him.

When my friends on the other side of this House talk about there being protections in this legislation, tell that to Mr. Harkat. Tell that to any of the five people who have either had their rights offended or been tortured or been subject to house arrest for the last five years. They are Canadians, too, and their human and civil rights have been offended.

Again, Bill C-19 would do two things that are offensive to anybody who believes in a just society, in civil liberties and human rights, who believes in a fair justice system. It would force people to testify without the right against self-incrimination and it would force them to go to prison if they do not. It would actually allow the state to imprison people for up to 12 months without being charged with anything.

We say we want to preserve our way of life, that we want to preserve our freedom in this country. Is the way to do that to offend our freedom? I say, no.

We all understand that the Anti-terrorism Act was introduced by the previous Liberal government in 2001. The Liberals were all in favour of it then. They opposed that legislation two years ago when they voted with the NDP and did not agree that the sunset clauses be reintroduced. Now it is hard to know what they think about it. I cannot get it clear from them. It sounds like a classic Liberal position.

We can understand why such legislation may have been passed in the high emotion and nervousness in the aftermath of 9/11. It was wrong, but we can understand it. However, we cannot understand why any parliamentarian would stand in this House and violate precepts of parliamentary democracy and Canadian civil rights when there has not been one example in the last eight years of anybody who was successfully brought before a judge that would make this legislation necessary .

In calm, rational and sober thought, in a moment where we can actually address our minds to the needs and what this legislation would really do, no parliamentarian ought to stand in this House and violate Canadians' rights. I do not care what the justification for that might be. States have always justified incursions into civil liberties by appealing to some fear. They have always tried to truncate people's freedoms with the justification of some bogeyman of some type, but it ought to be rejected.

The members opposite talk about protective provisions in this bill. Again, let us talk about the case of Mohamed Harkat. All those provisions and protections were in the legislation then. There was judicial oversight. There were court-appointed defence counsel for him called special advocates. There were court orders issued to CSIS to produce information to his lawyers. Did that help? Tell that to Mr. Harkat. He is the victim of a security certificate that has been in place for years, and now we find out it was probably because there was some witness testifying against him in secret and it turns out he had no credibility.

I want to move my remarks to the overarching point, that if we have learned anything since 9/11, it is that our fundamental freedoms and guarantees of due process are critical to our rights as citizens. It is what we are protecting. It is the rationalization for why we would even propose any kind of legislative framework in this country.

The complete Orwellian irony of having a government propose legislation that would violate those very rights in the name of protecting them needs to be explained by the members opposite.

The civil rights we enjoy, the right to remain silent, the right to not be detained in jail before the state has proved a case or a charge against someone, are important bulwarks against the potential abuses of state power. These are not purely theoretical rights. These make up the fabric of our country, the fabric of our constitutional rights as citizens.

● (1520)

New Democrats are going to stand strong and firm to make sure that the rights of Canadian citizens are protected in every respect and that we create a functional and effective security establishment in this country that also respects fundamental civil liberties and rights as Canadian citizens, because that can be done.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I do recall back in 1971 or 1972 when the Americans were planning an atomic test on Amchitka Island. I remember participating in a demonstration in those days. There were 10,000 people in Winnipeg, and it was the biggest demonstration since the 1919 strike. I was one of the organizers. I participated in a lot of anti-Vietnam war demonstrations during that period.

I would like to ask the member whether possible provisions in the bill could be used to target individuals engaged in protest activities of this type, or any other type of activities, for example, labour strike situations. Could those activities be grounds for government action with respect to this particular type of legislation?

● (1525)

Mr. Don Davies: Indeed it could, Mr. Speaker.

To quote someone who is eminently unquotable, Ronald Reagan said, “One man's terrorist is another man's freedom fighter”.

How do we define terrorism? The provisions of the bill are directed at compelling people to come forward and potentially be jailed in the name of fighting terrorism. Who defines that?

Today we say we do not have to worry about that because it will never be defined in any improper way. Really? In the history of this country, labour leaders have been jailed for exercising what at the time were considered inappropriate actions and all they were doing was trying to organize workers. That was considered a criminal act.

It is not a stretch of the imagination for someone to think that an accumulation of people might, in their view, be an activity that might threaten the security of this country. It has been done before by people in the party of members opposite who thought that trade unionists were criminals.

It has been done in the name of racial profiling. Recently members of the Canadian Muslim community have been unfairly targeted for doing nothing other than being members of the Islamic faith.

A person was rendered to Syria and thrown in jail for two years and tortured because, as a truck driver, he had a map of Ottawa. CSIS, in its great secret service intelligence gathering fashion, thought it was a map to be used for improper purposes. It turned out to be a map telling him how to deliver goods to warehouses.

When someone stands up and says, “We can violate rights. Trust us. We are never going to violate the rights of anybody who ought not to have their rights violated”, that is not a reliable basis on which to pass legislation in this country. Everybody's rights should be protected in this country.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I listened to my colleague's comments.

He made an interesting comment about how laws that create the potential to violate rights give governments the opportunity to do so, and therefore we should not pass such laws. I would like him to comment on the fact that, even when we pass good laws that call on the government to defend and protect people's freedoms, the government still finds a way to violate people's rights. Mr. Abdelrazik's case is a good example. The court has ordered the government to respect this Canadian citizen's rights, but the government says that it could not care less about the law and the court ruling, and that it will not act in accordance with either.

Does my colleague find this as frightening as I do? If we were to wind up with laws that attack our individual rights and freedoms, this government, which does not even respect existing laws, would take advantage of the situation to openly attack our civil liberties.

[*English*]

Mr. Don Davies: Mr. Speaker, I would like to congratulate my hon. friend's party, the Bloc Québécois, which also has stood firmly in principled fashion against these incursions against our civil liberties.

He is quite right. There are many examples in this country where legislation has been passed that, on the face of it, does not offend any rights, but in the application of that legislation, it does so. So what would we make of the current legislation that, on the face of it, violates people's rights?

My friend mentions the case of Mr. Abdelrazik, a Canadian citizen sitting in an embassy abroad, who has the full right to come home. The government is ignoring orders of a court to bring that person home and it cannot produce an iota of evidence that the person presents a danger. Are we to trust the government's version of implementing legislation? I do not think so.

It is a slippery slope. Members opposite have said that it is important to have this legislation to prevent terrorism, that the ends justify the means. We can make our society safe tomorrow. Let us allow police officers to kick down the front doors of every house in this country if they suspect a crime has been committed there. Certainly more criminals will be caught, but I do not think Canadians would accept that, because they understand that the most majestic thing about living in a free and democratic society is the right to be free against state incursions into their liberties.

That might mean that the state is not as ruthlessly efficient in rooting out crime as it could be, but that is the price of living in a free and democratic society. That is the balance that the NDP was talking about that the Liberals claim to want to pursue, but of course, it depends on which way the wind is blowing and what particular day of the week it is as to whether they will actually have the courage to implement it.

● (1530)

Mrs. Shelly Glover (Parliamentary Secretary for Official Languages, CPC): Mr. Speaker, I want to note that I will be sharing my time with the member for Northumberland—Quinte West.

I am very pleased to rise in my place today to speak in support of Bill C-19. It seeks to re-enact the investigative hearing and recognizance with conditions provisions in the Criminal Code. The bill is almost identical to former Bill S-3, which died on the order paper at second reading before the House in a previous Parliament.

[*Translation*]

I will start by quickly explaining what investigative hearing and recognizance with conditions mean.

[*English*]

The investigative hearing provisions would empower a peace officer investigating a terrorism offence that has been or will be committed to apply to a judge for an order requiring a person who is believed to have information concerning the terrorism offence to appear before a judge or produce a thing. The peace officer would have to have the prior consent of the relevant attorney general before making such an application. What would be essential to deal with this is an information-gathering order that would apply in respect of a witness, not an accused.

[*Translation*]

Recognizance with conditions means that, with the prior consent of the Attorney General, a peace officer may lay an information before a provincial court judge if the peace officer believes on reasonable grounds that a terrorist activity will be carried out; and suspects on reasonable grounds that the imposition of a recognizance with conditions on a person, or the arrest of a person, is necessary to prevent the carrying out of the terrorist activity. The judge could then compel that person to attend a hearing before him or any other judge.

[*English*]

As mentioned, a number of arguments have arisen in the past that have been critical especially of the recognizance with conditions provision. I will deal with them one by one.

I would like to address the contention that the recognizance with conditions provision is unnecessary because the Criminal Code already contains other provisions that could be used to prevent the carrying out of a terrorist activity, especially sections 495, 810 and 810.01 of the Criminal Code.

[*Translation*]

Section 495. (1)*(a)* states that a peace officer may arrest without warrant a person who, on reasonable grounds, he believes is about to commit a serious indictable offence. In addition, sections 810 and 810.01 apply when any person fears on reasonable grounds that another person will cause personal injury or commit a criminal organization offence or a terrorism offence. These sections empower the judge to order that the individual enter into a recognizance with conditions.

[*English*]

These provisions all focus on someone who it is reasonably believed is either about to or will commit a crime. They do not encompass any other person and so are very narrow in scope. On the other hand, the recognizance with conditions provision would apply to situations where there are reasonable grounds to believe that a terrorist activity will be committed and there are reasonable grounds to suspect that the imposition of a recognizance with conditions on a person is necessary to prevent the commission of a terrorist activity.

In other words, the police may have reasonable grounds to believe that a terrorist activity will be committed but would otherwise be unable to take action in relation to a person because the officer lacks, at the point of identifying the threat and the person, the grounds necessary to support the requirement of a belief on reasonable grounds in relation to that particular person. That officer may only have reasonable suspicion. Given the grave nature of the harm posed by terrorist activity, there is a sincere need to be able to act quickly to address the threat.

● (1535)

[*Translation*]

The provisions relating to recognizance would allow persons to be brought before a judge if there are reasonable grounds to suspect their involvement in terrorist activities. They would also allow a judicial review to prevent the commission of acts of terrorism. This is why the provisions relating to recognizance with conditions are necessary and judicious.

[*English*]

In relation to the investigative hearing, one complaint has been that it takes away a person's right to silence. We have heard the member of the NDP repeat that several times during his dissertation. However, let us not forget that the Supreme Court of Canada held otherwise. In application under section 83.28 of the Criminal Code in 2004, the Supreme Court concluded that the investigative hearing provision did not violate section 7 of the charter.

In fact, the Supreme Court found that a person testifying at an investigative hearing is better protected than any other witness in a criminal trial. This bill also clarifies that the maximum detention for a witness arrested to ensure appearance at an investigative hearing is limited to 90 days, as is the case for witnesses who are detained in relation to a criminal trial under section 707 of the Criminal Code.

[*Translation*]

The provision relating to recognizance with conditions is in large part based on the Criminal Code provisions on sureties to keep the peace. As I have said, the purpose of the modifications is to make it possible to prevent apprehended acts of terrorism. There are also guarantees, particularly the need to obtain the consent of the Attorney General concerned.

[*English*]

It has also been argued that imposing a recognizance with conditions on a person attaches to that person a stigma of being an alleged terrorist. However, as noted, there are other peace bond provisions in the Criminal Code—for example, where persons are required to enter into peace bonds because it is reasonably believed they will cause personal injury or commit a sexual offence against a young person. These exist today. In these cases, there is no requirement that a criminal charge be laid.

Should these provisions be eliminated on the basis of a stigma possibly attaching to persons even though they have committed no crime? I do not believe that is the case. The government considered the substantive recommendation in the House of Commons subcommittee's interim report to the effect that the investigative hearing power be limited to the investigation of "imminent", and that word is important, terrorism offences, thereby excluding the possibility of holding an investigative hearing in respect of past terrorism offences. This recommendation was not accepted.

[*Translation*]

It did not take into account, for example, the possibility of a terrorist group planning a series of terrorist acts following on each other. An investigative hearing related to the first offence, held after the fact—that is, in relation to a terrorism offence that had already been committed—might bring to light certain important information that would make it possible to prevent the other offences from being committed.

[*English*]

I have attempted to address some of the arguments that were previously raised against these provisions. It is my view that these criticisms do not stand up to close scrutiny. The proposed provisions are minimally intrusive and do not present a threat to Canadian values but actually protect them. Therefore, I ask all hon. members in the House to support this bill.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to ask a question of the hon. member who just spoke.

She must certainly know that people can be wrong when they make decisions based on mere suspicion. Sometimes people are wrongly suspected and sometimes rightly suspected. There are cases where people are wrongly suspected but ordered by a judge to enter into a terrorism recognizance. These are terrorism recognizances rather than apprehended domestic violence recognizances, as in section 810 of the Criminal Code, to which she was referring. This terrorism recognizance will be terribly damaging, for example if the person tries to travel, and it will make all kinds of things impossible. What happens when people are wrongly suspected? When it turns out this was the case, are there measures here to compensate them and right the wrongs done to them?

● (1540)

Mrs. Shelly Glover: Mr. Speaker, I want to thank my colleague for his question.

Our government realizes that everything that is done is not always perfect. Everyone in the world knows that it is impossible to be perfect at all times. There will always be exceptions. We are not saying here that we are perfect or that our police officers, lawyers and all those involved in the legal process are perfect. It is impossible for everything to be perfect. We know some mistakes will be made.

I was a police officer for nearly 19 years. I made mistakes. Sometimes I also suspected something else. Nevertheless, there has to be some prevention of terrorist acts. These are very serious acts, and I hope my colleague will take that into consideration when he votes.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank the member for her contribution to the debate and for her service to the community as a police officer for 18 years.

In that regard, I would like to ask the member if she could tell us what crimes related to terrorism would not be covered by the current Criminal Code. It is my understanding that any crime that we could possibly think of related to terrorism is already a serious crime under the provisions of our Criminal Code and one that is dealt with very seriously should it ever go to prosecution in our criminal justice system.

For instance, the crime of conspiracy already exists under the Criminal Code, so anyone planning that kind of terrorist attack is already committing a crime. They do not actually have to commit the crime before they could be found guilty of a criminal activity. We also have hate crimes legislation, so if the crime that is being planned targets a particular group, that is already covered by our Criminal Code.

Could the member tell us exactly why these special measures are needed when the Criminal Code already deals very seriously with all the issues related to terrorism?

Mrs. Shelly Glover: Mr. Speaker, I want to thank the member opposite for his question and for his comments about my service with the police.

I just want to mention that my colleague's question relates to crimes. What this bill is trying to do is prevent acts from occurring. They are not crimes that necessarily have been committed. We are trying to provide tools to investigate the potential that acts of terrorism are going to occur.

Our police officers at this point do not have the powers that we are attempting to provide to them through this bill. They do not have the ability to question people under what we are now calling the recognizance with conditions and those types of things. We want to provide them those tools so that we can safeguard national security.

It is not about charging people and referring to charges that are already in existence in the Criminal Code. It is about prevention. It is about using tools so that we can ensure the national security that we all care tremendously about.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I come here today to discuss Bill C-19, the investigative hearing and the recognizance with conditions that the bill seeks to re-enact, which expired in March 2007.

The investigative hearing provisions permitted a judge to question persons having information about a past or future terrorism offence. The recognizance with conditions provision permitted imposing conditions on a person, where necessary, to prevent the carrying out of a terrorist activity. These provisions were not, and certainly would not be, unique to Canada. Other democratic countries have similar tools, or ones that tend to go much further than those proposed in this bill.

I believe that by comparing these proposals with foreign counterparts, it will become clear that the proposed investigative hearing and recognizance with conditions that are found in the bill would be seen to be reasonable measures and not at all excessive.

Let me first address the issue of investigative hearing. In 2001 the United Kingdom created a specific crime of withholding information relating to a terrorist act. A person who could have assisted police in preventing an act of terrorism, or in arresting, apprehending or prosecuting someone involved with terrorist activities but failed to do so, could be imprisoned for up to five years.

Also, the U.K. terrorism act of 2006 enables an investigative authority, such as the director of public prosecutions, to issue a disclosure notice requiring a person to provide information or documents relevant to the investigation of a terrorism offence.

Under the United States longstanding grand jury procedure, a federal grand jury can subpoena any person to testify under oath, subject to claims of privilege. Anyone who obstructs a grand jury risks being held in contempt.

Australia and South Africa have specific procedures similar to the proposed Canadian investigative hearing.

The Canadian approach certainly does not go further than other democratic nations in creating an investigative hearing procedure. Other countries have done as much, or even more, in ensuring that they have the tools to investigate terrorism offences.

The Australian counterpart of the recognizance with conditions is a system of control orders and preventive detention of terrorist suspects. The Australian federal police may apply to a judge for an order allowing up to 48 hours of preventive detention of a terrorist suspect where there has been a terrorist act or where a terrorist act is imminent.

Australian states and territories, under their legislation, allow for preventive detention for up to 14 days. Disclosing during the detention period that a person is detained is punishable by a maximum five years in jail. The Australian federal police annual report of 2006 to June 30, 2007 shows that one interim control order was made but that there were no preventive detention orders. One interim control order expired in December of last year.

Similarly, the United Kingdom has much broader powers for the detention of suspected terrorists, compared to Canada's recognizance with conditions power. In the United Kingdom, under the amended terrorism act 2000, a person can be arrested without warrant and held in detention without charge for up to 28 days if the police reasonably suspect the person of being a terrorist.

As many know, the U.K. government wanted to extend this period even further in its proposed counterterrorism bill to a maximum of 42 days. However, this initiative proved to be very controversial and was defeated by the House of Lords in October 2008. As a result, the U.K. government allowed the bill to continue its journey through the British Parliament without the 42-day measure, but it also published a bill containing the power to detain for 42 days, which will be held in reserve and which will be introduced in the British Parliament if and when the need arises.

The U.K. also has a system of control orders which has been in place since the passage of the prevention of terrorism act 2005. This generally allows for the home secretary to apply to a court to impose obligations on an individual, where there is a reasonable suspicion that the individual is or has been involved in terrorism-related activity, and it is considered necessary in order to protect the public from terrorism to impose obligations on the individual.

● (1545)

Control orders can be imposed on citizens or non-citizens alike. There are two kinds of control orders: derogating and non-derogating control orders.

The derogating control order is one that derogates from the European Convention on Human Rights. This type of order could potentially apply in the case of house arrests. A non-derogating control order is one that does not derogate from the convention. Some cases involving non-derogating control orders have now been decided by the House of Lords. It ruled, for example, that a condition requiring a person to stay confined at home for 18 hours each day contravened the right to liberty under the European Convention on Human Rights, but that a 12 hour and possibly a 16 hour curfew was acceptable.

Non-derogating control orders are enforced for 12 months, but they can be renewed. The quarterly statement on the use of control orders covering the period September 11, 2008 to December 10, 2008 said that in total 15 control orders are currently in force, four of which are in respect to British citizens.

Additionally, U.K. police officers have other powers given to them by the terrorism act 2000 that do not exist in Canada. For example, police can designate a certain area, or order anyone to leave it, or not to enter it at the risk of committing an offence. A senior police officer may also authorize a uniformed constable to search a vehicle or a person in a designated area when to do so would be expedient for the prevention of a terrorist act. As we can see, the U.K. powers by far outstrip in scope what Canada provides for its law enforcement purposes.

Finally, I would add that the need to fulfill our international obligations should also prompt a re-enactment of the powers. The United Nations Security Council resolution 1373, to which Canada is a party, obliges the party states to "Take the necessary steps to prevent the commission of terrorist acts—". The provisions proposed in this bill are intended to do just that.

I have talked at length about the measures that are present in other democratic countries facing terrorism threats and whose legal systems are similar to ours. As I have endeavoured to make clear, the tools we are now seeking to re-enact do not constitute an assault on human rights. On the contrary, they are minimally intrusive and are more restrained than our foreign counterparts. They do not present a threat to Canadian values but actually protect them. Accordingly, I would ask that all hon. members support this bill.

● (1550)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I want to congratulate the previous speaker on the seriousness of the arguments he advanced.

I just want him to understand that the reason why I think the anti-terrorism provisions should not be maintained is that they are insignificant, for all intents and purposes. In those cases, though, where innocent people are unjustly suspected, their lives will be badly affected and they will find it very difficult to travel or to find and keep a job. I do not think the injustice is worth it. I am convinced that these provisions will never be used against real terrorists. What will be used are the provisions of the Criminal Code, and conspiracy charges will be laid, as has already happened.

I would like to know his opinion as a police officer on the investigation he did not talk about very much. He must have conducted some police interrogations in his career. Does he think they would be at all effective with someone who did not want to reply from the beginning, did not want to cooperate, and was accompanied by his lawyer before a judge?

[*English*]

Mr. Rick Norlock: Mr. Speaker, the hon. member and I, since my tenure here, have sat on the public safety committee, and now I am on the justice committee. We share a responsibility that I know we both take very seriously.

With regard to innocent people, any innocent people, when they are arrested by the police on reasonable probable grounds that they have committed an offence, all of that is done in good faith. There is, of course, some stigma attached to a person who is eventually found innocent of a crime. That is very traumatic to the person involved, and traumatic to any decent, caring person.

The saving grace in our criminal justice system is that as long as all parties participating in that, the police, the prosecution, the defence and the individual who is charged, are all acting in good faith, the Criminal Code basically says that the right thing is done.

The bottom line here is if a fear that we might do something wrong, or that someone might be ill done by, prevents us from doing what the international community under the United Nations obligations, that we are a party to, expects us to do, we have to do something. We need to work toward this new threat of terrorism, and give the tools that are necessary to the police and the Crown to get that job done.

● (1555)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the previous speaker, the member for Saint Boniface, admitted that mistakes are made by police officers in the course of duty. It is not perfect legislation. The question I would have, and the member from British Columbia asked the question before, in this member's opinion what crimes related to terrorism are not already covered by the current Criminal Code? He, himself, has mentioned that conspiracy would already exist and would be covered under the Criminal Code as it stands right now.

Mr. Rick Norlock: Mr. Speaker, again, I go back to the statement of the former member who admitted that police officers make mistakes. I believe everyone in this world, other than one man, makes mistakes. Everybody makes mistakes. I think the successes in this country with regard to criminal investigation, criminal prosecutions, far outstrip any mistakes.

Again I say, if the fear of something going wrong prevents us from doing the right thing, then why are we even here? Terrorism is a new threat. This country has not had to deal with the kind of terrorism that we see around the world today. We have not had to deal with that in our past.

We have to bring in the tools necessary to fight that threat. In committee we are passing some new laws and enhancing things like the DNA data bank because there are new tools that allow us to do our job. This part of our anti-terrorism legislation will do just that. It will give us the tools to allow us to do the job and that is to protect Canadians from the threat of terrorism.

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, I rise to speak today to Bill C-19, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

The Liberal Party of Canada supports this bill, in principle. I say that because this bill has a history linked with September 11, 2001.

Governments the world over were charged with establishing anti-terrorism legislation to protect their countries in the event of an attack on their security and safety.

The security and safety we took for granted no longer exist. In today's world, rapid travel, changes in values and attitudes and strained international relations have become an unavoidable fact.

Many members no doubt recall that Canada approved initial anti-terrorism legislation in December 2001, because of a sunset clause that entitled Parliament to review the legislation after five years. Members were concerned and rightly so at seeing fear make a mockery of Canadians' fundamental rights, especially those of cultural communities and, in particular, let it be said, of individuals identified as being from the middle east or the near east.

[*English*]

Even though Parliament improved the legislation, what remained was the criminalizing of peaceful activities and the possibility of unfair trials.

Today we have witnessed the ongoing challenges faced by Mohamed Harkat, a refugee from Algeria, released from jail in 2006 after spending three and a half years incarcerated without a trial. He is accused of having ties to terrorist organizations. Very recently, at the end of May, 16 officers carried out a search of his home in the south end of Ottawa, accompanied by three sniffer dogs trained to find weapons, explosives and money, all because they wanted to know if he was complying with the terms of his release.

Here is a man, and he is not the only one in Canada, detained without trial, whose human rights have been consistently violated in the name of safety and security. This is unfortunately not the only case of this kind in Canada.

Further, the Federal Court later ruled that Canadian border agents were “the most intrusive”. According to Justice Simon Noel, “fairness has to prevail”. He felt the agents had gone too far in seizing items such as family photos. The ruling also called into the question the performance of CSIS, the fact that its informant was not trustworthy. Therefore, the information that put Harkat behind bars could be false. It is information that the government, including the Conservative Minister of Citizenship and Immigration, has been using to deport this family man.

The question was raised by Justice Noel, who presided over the case and who is apparently known as one of Canada's most respected and experienced judges in terror cases, that CSIS also could have deliberately withheld information that could have cleared this man's name.

Are these the values on which Canada now stands, ones of unfairness and inequality, the inability to have the opportunity to be proven innocent by a jury of one's peers? Surely there is another way to do that. Let us tell individuals like Harkat and Adil Charkaoui, a schoolteacher from Montreal, that these are not the pillars, values and principles upon which Canada has built a strong democracy before the Conservative government came into power.

● (1600)

[*Translation*]

Allow me to recall the facts pertaining to Bill C-19. First, the provision of the Criminal Code pertaining to investigative hearings allows authorities to require an individual to testify without giving them the right to refuse to answer questions on the grounds that the responses might be self-incriminating. The aim of this provision is to compel those involved secondarily in a terrorist plot, who might have vital information, to testify instead of the prime suspects, who are prone to lie in order to protect themselves.

The second provision of the Criminal Code concerns preventive arrests. It allows the police to arrest and detain an individual, in some cases without a warrant, on the condition that they have reasonable grounds for believing that the arrest would prevent the commission of new terrorist acts.

A number of points must be remembered as regards the position of the Liberal Party of Canada. First, my party takes very seriously the safety of Canadians and the protection of their rights. Next, as in all cases of legislation concerning national security, we think a balance must be struck between public safety and individual freedoms. We obviously welcome the government's decision to include security safeguards, proposed by the special committees of the Senate and the House of Commons, which had studied the matter. That has already been mentioned by others before me. These precautions improve the bill and help calm the concerns over individual freedoms we raised when previous versions of this text were studied.

Bill C-19 hearkens back to another bill introduced previously in the other place as Bill S-3. That bill was discussed in a committee of the other place, and dealt with investigative hearings and preventive arrest. This text was introduced in 2007 and then reintroduced with some additional safeguards. Considerable work has already been done on this bill. The 2007 revision required police officers to prove to the judge that they had used all other methods to obtain the needed information.

It also required the Attorney General and the Minister of Public Safety and Emergency Preparedness to make an annual report to Parliament explaining their opinion on whether provisions should be extended. In October 2007, prorogation resulted in the bill, which had been referred to the other place, not getting back here to the House of Commons.

Bill S-3 included certain improvements worthy of mention. First, police officers must prove to the judge that all other reasonable and legal means have been used to obtain the information. Second, any person called to a investigative hearing has the right to retain counsel . Third, the Attorney General and the Minister of Public Safety and Emergency Preparedness are required to make an annual report to Parliament justifying extension of the provisions. Fourth, any provincial court judge may hear arguments relating to preventive arrest. Fifth, the special anti-terrorist provisions may not be extended for more than five years unless both House of Parliament agree to extension.

The bill we are examining here in the House, Bill C-19, is identical overall to the version of Bill S-3 amended by the Senate, whose key provisions I have just reviewed.

● (1605)

[*English*]

I realize there will be very emotional points of view on the bill. I had to take a long time before I decided the pros and cons of the bill because it is very important to the population and our way of life in Canada as well.

There are groups who have historically been targeted by those who would deliberately wish to carry out terrorism acts against them. Protection and safety are important. If it means reducing the human rights of others, then we have to accept that.

What is good about the bill is that clause 2 adds new subsections to section 83.31 of the Criminal Code, which calls for separate annual reports on sections 83.28, 83.29 and 83.3 by the Attorney General and the Minister of Public Safety and Emergency Preparedness. The reports would include opinions and reasons on whether these sections should be extended within the act.

What is important is that the bill be sent to committee so it can be thoroughly reviewed and discussed in detail. I want to remind everyone in the House, and people who will be reading this debate, that this is not the end of the debate. If the bill is accepted by the members of the chamber, it will then go to committee. The members of the committee will amend the bill. The groups that are either for or against the implementation of these hearings will go before the committee to provide input and suggestions.

[*Translation*]

When it is referred to committee for consideration it can be amended, and I hope that the amendments will provide a better balance between collective security, which we all care about, and another thing we all care about too, individual freedom in Canada.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to ask the member who spoke before me whether she really thinks a recognizance signed by a terrorist is a good guarantee and protects us against whatever terrorist plan that person might be hatching.

Ms. Raymonde Folco: Mr. Speaker, when it comes to terrorism there are no guarantees. If there were guarantees, we would not have gone through what we have both in Canada, the United States and England and elsewhere in other countries, including France. There are no guarantees.

What we can and must do, and this is our responsibility as parliamentarians, is try to put the most effective possible obstacles in the path of people who might organize a crime like terrorism.

● (1610)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am trying to sort out where the Liberal Party is on this bill. In 2001 the Liberal majority government of the day passed the Anti-terrorism Act . It was set to expire under a sunset clause in February 2007. A five-year sunset clause sounds very reasonable to me.

In February 2007, after the act expired, a resolution was introduced in the House to extend the provisions by three more years. That resolution was defeated on February 27, 2007, by the NDP, the Bloc and the Liberals. The Liberals were against extending it.

Now we move to our current situation today, where the Conservatives have introduced a new bill. It sounds to me, after listening to the member, that now the Liberals are in favour of the bill.

Could the member confirm that I have this chronology in the proper order and that it is accurate?

[*Translation*]

Ms. Raymonde Folco: Mr. Speaker, the reason why I laid out the chronology since 2007 was precisely to try to show what we have been through in the Liberal Party and to illustrate the relationship between Bill C-3, Bill S-3, which came from the other chamber, and Bill C-19. That is the jargon we parliamentarians use.

In other words, we had a bill in the other chamber, Bill S-3, which introduced some provisions that were extremely important, I would even say fundamental. Unfortunately, for all sorts of parliamentary reasons, Bill S-3 could not be brought forward in this chamber and so the government decided to reintroduce Bill S-3 in the form of what we are now calling Bill C-19.

If Bill C-19 reiterates the elements of Bill S-3, as I really have the impression it does, those being safeguards and protections for individual freedom, then I will have no problem supporting Bill C-19.

Mr. Serge Ménard: Mr. Speaker, I would like to ask the member a question.

She herself acknowledges that we cannot get guarantees from terrorists. This provision leads to only one thing: the person must sign a recognizance to comply with certain conditions. So it cannot guarantee anything. Why, then, would we keep it, when we consider how it could be used against political adversaries or innocent people who would be stigmatized as terrorists? They would be only too happy to sign the recognizance because they are not involved in any terrorist plans.

This measure offers nothing and that is why it has not been used. What has been used is arrests for conspiracy. We also have to remember that the Criminal Code provides that a police officer may arrest without warrant a person who is about to commit an indictable offence. That is the answer, not this meaningless signature on a recognizance for the future, meaningless and yet capable of being used against adversaries to stigmatize them.

That is what the former leader of the Liberal Party understood when he spoke—

The Acting Speaker (Mr. Barry Devolin): The hon. member for Laval—Les Îles.

Ms. Raymonde Folco: Mr. Speaker, in my speech just now I touched on a number of items that I believe protect the individual.

The first is that the peace officers must prove to the judge that attempts have been made to obtain the information referred to by other reasonable and legal means. Second, the fact that the individual has the right to retain counsel at the investigative hearing, strikes me as being the basis of our entire justice system. Third, there is the annual report to Parliament, not only by the Minister of Public Safety but also by the Attorney General. I do not want to revisit all those points, but I would like to add one thing.

If the bill is passed by Parliament, it will then be referred to a committee. I assume my colleague sits on the Standing Committee on Justice and Human Rights and that is precisely where we expect to hear his suggestions for improvements to the bill. That is what I propose to him very seriously.

The bill is far from perfection and we need all the support and intelligent contributions of hon. members in order to improve it in committee. I know that, with all his experience, the hon. member is fully capable of contributing to this process.

● (1615)

The Acting Speaker (Mr. Barry Devolin): 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 hon. member for Dartmouth—Cole Harbour, Employment Insurance.

[*English*]

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Speaker, I am very happy to address hon. members in the House on the importance of the powers contained in Bill C-19.

The bill seeks to re-enact the investigative hearing and recognizance with conditions provisions that were originally part of the Anti-terrorism Act, but ceased to be in effect as of March 1, 2007 when they were sunsetted.

The bill contains changes to the original provisions that are designed to respond to many of the recommendations that were made by two parliamentary committees that reviewed the Anti-terrorism Act. I would also like to note that I chaired the subcommittee of the Standing Committee on Public Safety and National Security which reviewed the Anti-terrorism Act. The subcommittee made a number of recommendations in the interim report that was tabled on October 23, 2006. The recommendations of the majority of the subcommittee included that both provisions be extended for five years to the end of the 15th sitting day of Parliament after December 31, 2011. It also recommended that there be further parliamentary review before there be any further extension, and that the investigative hearing provision be limited to occasions where a peace officer has reason to believe that there was imminent peril that a terrorist offence would be committed.

I want to speak to the investigative hearing and the recognizance with conditions provisions and also the things that the committee actually dealt with in the report of October 2006, as well as the Senate committee report that was tabled in February 2007. Additionally, the bill contains the amendments that were made last year by the Senate when it reviewed the predecessor to this bill, Bill S-3.

The result is that this bill would create enhanced human rights safeguards and would expand upon annual reporting requirements. Bill C-19 is the same as former Bill S-3 as amended by the Senate in March 2008, with one principal exception. That exception is the additional change made to subsection 83.28(12), which I will explain later. Bill S-3, subsequently died on the order paper due to the fall 2008 election. This bill picks up where Bill S-3 left off.

The investigative hearing and the recognizance with conditions provisions were designed to assist law enforcement agencies and strengthen their ability to prevent acts of terrorism. First I am going to talk about investigative hearings. It seems that I already spoke about this in the House when I spoke to Bill S-3 in the 39th Parliament, but these are very important tools for law enforcement agencies to ensure that we are protected against terrorist attacks.

The investigative hearing provision would allow the courts to compel a witness who may have information about a terrorism offence to testify and provide information about the offence. The process relating to this provision works as follows. With the prior consent of the attorney general, a peace officer investigating a terrorism offence that has been or will be committed, may apply to a judge for an order requiring a person who is believed to have information concerning the terrorism offence to appear before the judge to answer questions and/or produce something.

If the judge believes there are reasonable grounds that a terrorism offence will be committed in the future, if the person has direct and material information and reasonable attempts have been made by other means to obtain the information, the judge may make an order for the gathering of information. It is important to note that this investigative hearing provision and the process was found to be constitutional by the Supreme Court of Canada in 2004. The reason this provision was found to be constitutional lies in the safeguards that are intimately attached to the exercise of this power. I will note these safeguards.

First, only a judge of a provincial court or of a superior court of a criminal jurisdiction can issue the order to hold an investigative hearing.

Second, before an application for the investigative hearing order can be made, the Attorney General of Canada, or the attorney general or solicitor general of the province needs to consent to making the application for the order.

Third, the person ordered to attend at the investigative hearing has the right to retain and instruct counsel at any stage of the proceedings.

● (1620)

Fourth, any incriminating evidence given by the person at the investigative hearing cannot be used against him or her in a further criminal proceeding, except for prosecution for perjury and giving contradictory evidence. This prohibition also applies to derivative evidence, that is, evidence found or derived from the evidence initially gathered in the context of the investigative hearing.

Fifth, the Supreme Court of Canada has also ruled that through the use of this provision, there is a constitutional exemption against self-incrimination that precludes testimonial compulsion where the predominant purposes of the proposed hearing is to obtain evidence for the prosecution of the person. In other words, a person cannot be brought before a judge and be compelled to provide evidence if the predominant purpose is to gather evidence against that person to lay charges against him or her.

Sixth, the Attorney General of Canada and the attorney general of the provinces were and continue to be required to report annually on the use of the investigative hearing provisions.

Finally, it has been noted that the Supreme Court of Canada held that the protection against self-incrimination at investigative hearings, carried out in the context of criminal investigations, also extended to deportation and extradition matters.

There are a number of new things in Bill C-19. There are new human rights safeguards that are not found in the original legislation. For example, new to the provisions is the requirement that in all cases, a judge to whom an application for an information gathering order is made must be satisfied that reasonable attempts have been made to obtain the information by other means. The previous legislation required this when investigating possible future terrorism offences, but not past terrorism offences, and only in relation to reasonable attempts to obtain the information from the person subject to the investigative hearing, as opposed to third parties more generally.

Another change alluded to earlier which is proposed for the first time in this bill would be made to subsection 83.28(12). It would clarify that the judicial power to order things into custody on an investigative hearing is discretionary rather than mandatory. This change would align this provision with the Supreme Court decision and application under section 83.28 of the Criminal Code, which held that a judge at an investigative hearing has considerable discretionary power to the effect that the word "shall" in the provision would be changed to "may".

Additionally, subsection 83.29(4), not found in the original legislation, would clarify that the witness detention provisions of section 707 of the Criminal Code apply to investigative hearings. As a result, witnesses at the investigative hearing would enjoy the same procedural safeguards with respect to detention that applied to witnesses in criminal prosecution.

I would also like to speak about the recognizance with conditions provision. This provision would give the court the power to issue an order requiring a person to enter into an undertaking whereby he or she accepts to respect certain conditions imposed upon him or her to prevent the carrying out of terrorist activity. The purpose of the provision is to create a mechanism that would allow the authorities to disrupt the preparatory phase of terrorist activity rather than after the fact.

The provision is not designed to detain a person, but rather to release the person under judicially authorized supervision. The process by which the recognizance with conditions operates is as follows:

With the prior consent of the Attorney General, a peace officer who reasonably believes that a terrorist activity will be carried out and who also reasonably suspects that the imposition of recognizance with conditions or the arrest of a person is necessary to prevent the carrying out of a terrorist activity may lay an information before a provincial court judge. That judge may then cause that person to appear before him or her or any other provincial court judge. In very limited circumstances, the peace officer may arrest that person without a warrant in order to bring him or her before the judge.

In any event, a person will be brought before a judge within 24 hours, or as soon as possible, if a judge is not available within this time period. If the person is detained to protect the public or to ensure his or her attendance at a subsequent hearing, the matter may be adjourned for a maximum of 48 hours. Thus, generally speaking, the person can only be detained for up to 72 hours.

● (1625)

If the judge determines that there is no need for the person to enter into a recognizance, the person will be released. If the court determines that the person should enter into a recognizance, the person will be bound to keep the peace and respect other specified reasonable conditions for a period not exceeding 12 months, and only if the person refuses to enter into such a recognizance can the judge order that he or she may be detained for up to 12 months.

As in the case of the investigative hearing, the recognizance with conditions is also subject to numerous safeguards. The consent of the Attorney General of Canada or the attorney general or solicitor general of the province, of course, is required. The peace officer could also lay information before a judge if he believes there is reasonable grounds that the activity could be carried out. The judge receiving the information would have a residual discretion not to issue process, for example, where information is unfounded.

Continuing on, these two provisions that were sunsetted back in 2007 were important tools that were used or can be used to help keep Canadians safe as we ensure that we do not suffer from terrorist attacks. These are things that Canadians do fear, and they do want to ensure that law enforcement has the tools required to ensure that Canadians remain safe.

There was the attack, of course, in the U.K. back on July 7, 2005.

There was the case just a few years ago here in Canada where there were some Canadians arrested on the threat of the potential for a terrorist attack.

So we must remain vigilant. Canadians expect that.

The committee I chaired back in the 39th Parliament that reviewed this act spent a great deal of time. I spoke a little earlier about what the committee brought forward in recommendations to the House that very much mirrored the recommendations that were brought forward in the Senate.

In 2007, after the committee released its interim report back in the fall of 2006, with just a few months to go before the sunsetted provisions were set to sunset, where the majority of the committee had brought this forward, it turned out that when we were running out of days in order to maintain these two sunsetted conditions, the Liberal Party withdrew their support, or at least the members of the committee who had supported the extension of these sunsetted provisions withdrew their support.

We brought back Bill S-3 in the 39th Parliament. We had the fall election in 2008, and that bill died on the order paper.

Bill C-19 seeks to deal with bringing back those two provisions that we know can be used in the arsenal to continue to keep Canadians safe, to fight against terrorism.

Part of this as well is that it would continue to be reviewed on an ongoing basis. That was one of the recommendations that came forward in the 39th Parliament out of the subcommittee, that we do in fact ensure that these provisions continue to be reviewed. They are quite strict. These are important tools. They do need to be reviewed, because we do not know the implications. These are extraordinary measures.

At this time I do not see any compelling reason we should not seek to reinstate these provisions and have them in the toolbox that we and law enforcement can to use to ensure that Canadians remain safe.

I urge all hon. members to support this legislation. Let us get it to committee and move it forward.

● (1630)

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I listened intently to my colleague, the member for Leeds—Grenville.

I found what he had to share today very interesting and a bit of the history lesson of how we ended up where we are and the encouragement to support this good bill. He reminded us that he was the chair of the subcommittee that dealt with this Anti-Terrorism Act a number of years ago, and I want to ask him what happened. He touched on it briefly.

My understanding was that the Bloc and the NDP did not support the majority of the recommendations and had their own report, a dissenting report. Why was that?

I have served on the justice committee and now serve on the environment committee. Often what I see is the taking of a strong stance against crime or terrorism in public, but when it actually moves to committee, we see the NDP, the Bloc, and often the Liberals starting to play games and they do not support it. They use those parliamentary games.

My question to the hon. member is, why did they not support it, and what happened at committee?

Mr. Gord Brown: Mr. Speaker, I want to thank the hon. member for his excellent question because these are important things that did happen back in 2007. The fact was that the committee spent a great deal of time reviewing all the provisions within the act. Of course, there were the two provisions in the act that were set to be sunset after the five-year period since the bill was originally brought into effect back in 2002.

There were the two sunset provisions that were not supported by the Bloc and the NDP originally. They were supported by the members of the Liberal Party that were on that committee. When it got to the point where we were going to have a vote, because it did have to go through a vote here in the House to continue to have those two provisions in effect, the Liberal Party withdrew its support. It was not prepared to support that.

There was a great deal of work done by that committee. It was only those two parts, those two sunset provisions, that were not supported unanimously by the committee, and I found it very disturbing when that happened.

There seemed to be general consensus on the committee that we move ahead with that, and I hope there is going to be support in the House to move this bill forward.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, what I have been hearing all afternoon seems to be a debate about legal rights, the rights against unreasonable search and seizure, the right of freedom, and so on.

Obviously the hon. member has had quite a bit of experience in looking at section 83 and on, the terrorism section of the Criminal Code. It is a separate section of the code. It has been recently enacted. It is some 26 pages. It is designed to deal with terrorism, is it not? It is not dealing with the average person on the Clapham omnibus, as Lord Denham said. It is not about average Canadians' rights. It is a particular definition of rights against the landscape of terrorist activity. Thus there are many provisions about seizing property that do not apply to normal offences about seizing assets that have to do with terrorist activities. There is the naming of terrorist organizations. It is a different context.

Can the member better describe what I am trying to get at, that this is a different section of the code dealing with an exigent circumstance—that is, terrorism?

● (1635)

Mr. Gord Brown: Mr. Speaker, it is an excellent question and I want to congratulate the member for recognizing exactly that. These are important provisions.

These are not things that would be used against law-abiding citizens. These are specific parts of the act that were brought in by the Liberal government back in 2002 in response to the terrorist attacks of September 11, 2001. At the time, it was moved through the House and became law very quickly. That was an important time. Many countries in the world at that very time were enacting similar legislation.

Canadians and Parliament decided at that time that they wanted to see these two provisions of the act that we are dealing with now reviewed. They wanted them to be reviewed five years after. That is what the committee did. It is a balancing act between security and human rights. It was believed by the committee at the time, and I believe today, and I know many hon. members here believe, that there is a balance there.

In case there are any issues with it, five years hence there would be another opportunity for a committee of Parliament to once again review that and bring it back for Parliament to make a decision.

It is true that these provisions of the act are specifically designed to deal with terrorism.

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I again want to thank my colleague for his commitment and all his hard work on this.

I have two questions. When a bill goes to a standing committee there is often the comment that it would not withstand a constitutional challenge. Therefore, are investigative hearings constitutional; and do other countries have investigative hearings?

Mr. Gord Brown: Mr. Speaker, some individuals have felt that this legislation would not pass the constitutional test, but back in 2004, the Anti-terrorism Act did pass the test and was deemed constitutional by the Supreme Court of Canada.

Other countries have these investigative hearings and they use them as important tools to protect their citizens.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to ask the hon. member who has spoken whether he was given any example of a situation where the preventive arrest provision would have been used and where it would not have been just as easy to use the Criminal Code by laying conspiracy charges or using the provision in the Code which clearly states that a police office may arrest without warrant a person who is about to commit a criminal act.

That person could, of course, eventually be acquitted if innocent, while an innocent party who has signed a document would be stigmatized for the rest of his life.

[*English*]

Mr. Gord Brown: Mr. Speaker, the hon. member was an important part of the committee that reviewed the Anti-terrorism Act back in 2006 and 2007. As he well knows, we did have a great deal of discussion about this.

It is true that these other provisions of the Criminal Code can be used, but the committee and I believe that what we are proposing today in the bill are two important tools. They may be controversial, but they are important tools that should be available to law enforcement. The safeguard that would continue to be there would be that these would be reviewed every five years.

It was an excellent question, and I do want to congratulate once again the hon. member for all his hard work on that committee a few years ago.

● (1640)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to rise in this debate on Bill C-19, whose purpose is to re-introduce two provisions that the House did not want to approve when we dealt with them back in 2007.

I remember the debate we had in 2002. I was in the House then, having been elected a few years previously. If I remember correctly, Minister McLellan was responsible for public safety at the time and there was a legislative committee on which the Bloc Québécois was represented by the hon. member for Saint-Jean. It was not the Standing Committee on Public Safety and National Security or the Standing Committee on Justice and Human Rights that dealt with these proposals. I remember the situation very well. It was just after the attacks of September 11, 2001. There was a kind of psychosis in the air and all countries felt the need to be much more vigilant about terrorism. This widespread psychosis made us realize just how vulnerable we were as a society.

I can remember reading documents and going to conferences where we were told about the new phenomenon of terrorism. It was mass terrorism, in which innocent civilians were attacked. We had seen examples on subways and in airports. The terrorists were pursuing ideological ends. These were not various groups confronting one another but people trying to find ways to destabilize and terrorize civilian populations. We were trying to find methods—and very legitimately so, I can easily understand it—to avert these threats.

It was a time when the American congress had quickly passed the Patriot Act. I think the United Kingdom passed some legislation too, as well as France. Canada did not want to be left out and passed an act.

It would be a mistake for the members to allow themselves to be guided by reasoning that is fundamentally flawed. The provisions proposed here give the impression the government wants to find people to convict. It wants to force people before judges without having to meet a certain burden of proof, and that is clearly unreasonable. They argued at the time there was an emergency. I am very proud that the Bloc Québécois never yielded to this psychosis. There was also a very strong feeling of sympathy for the Americans. Prime Minister Chrétien went to walk around Ground Zero, along with all the party leaders.

We obviously have a special relationship with the United States. In speaking of it, former President Kennedy said geography made us neighbours and history, friends. There really is a symbiotic relationship between Canada and the United States. Whether it is the border, the American dream or trade flows, we are integrated in ways that can sometimes be very harmful. It is not my intention, though, to talk about that now.

I am proud that the Bloc Québécois managed to resist voting for these provisions, which are not the right approach given our objectives. When members do not agree with these provisions—one of them more than the other, if I understood correctly, especially when it comes to preventive detention in section 83.3—that does not mean we are less concerned about terrorism, we are not vigilant, we do not think we should anticipate terrorist acts, or we think there is no such thing as terrorism.

● (1645)

It was even explained to me that, in the world right now, there is an alarming proliferation of terrorist groups and that the most threatening terrorism, the most active, should I say, is that guided by considerations that are often ideological based on religious practices. That said, we are parliamentarians, democrats. We do not lose sight of the balance that must be struck in Parliament between rights, and of course, the end, in this case, is to protect the public. In 2002, it did not seem to us that this balance was reached and that the means being proposed to us were likely to achieve this end. Through my colleague, Marc-Aurèle-Fortin, who sat on the Standing Committee on Public Safety and National Security, we are renewing our position and concerns of 2002, when we considered the provisions put before us then.

Why did we have concerns? Because, for a parliamentarian, the end can never justify the means. We can never take shortcuts with warrants, assessment of the evidence or detention, even if we are talking of 24 hours. We can never take shortcuts, because to do so in this matter, there will be no more limits and there would be a loss of vigilance that is beneath the office we hold.

People here lived through the 1970 crisis. I was a little too young, but I am well aware, having heard the oral history, of the extent to which 1970 was a blot on our collective history of individual rights. Freedoms were suspended and because of that excesses were committed against poets, women singers, people who were moved by freedom, who believed in a certain ideology but represented no threat to society.

In the Bloc Québécois, we are not prepared to give our support to this type of democratic shortcut, even less so when we consider the history of these provisions, a short history, I grant you. Investigative hearings are mechanisms by which a provincial court or superior court justice of the peace can be asked to compel a citizen to testify and answer questions. While certain mechanisms may prevent it from being prejudicial for later testimony, the potential for compelling someone on the basis of suspicions remains. These investigative hearings, while they are more clearly defined, still represent a threat to procedural balance and democracy. I will come back to this.

Investigative hearings, like preventive arrest and detention, exist in provisions but have never been used. That is rather surprising. I heard the government members telling us earlier that these are tools needed by the various law enforcement agencies. It is contradictory, not to say paradoxical, and perhaps even inconsistent to suggest that tools are vital to law enforcement agencies, when they have never been used. Could we take into consideration the fact that the reason we have never used them is that there are alternative means in law, provided in the Criminal Code, which the law enforcement agencies can use?

● (1650)

We all understand that when terrorism is involved, somewhat like when organized crime is involved, these are not things that come about through spontaneous generation. They are things that call for lengthy investigations and a huge amount of resources. The Bloc Québécois does not dispute that intelligence is needed or that wiretap warrants are required. I was also in this House when wiretap warrants were extended. Not only may those warrants be necessary, but there may also be surveillance operations.

Terrorism and the networks that make it possible are things that depend on organizations. It is reasonable for a state to be able to use all means available to it to try to anticipate what is going to happen. Not only is it reasonable, it is also our duty. Society would not feel safe without the Canadian Security Intelligence Service, the RCMP and all of the organizations that are responsible for intelligence. I agree, and I understand, that the state must have agencies that will keep an eye on these various networks and will use wiretaps, surveillance, undercover operations and counter-espionage, and all lawful means available to its leaders, to anticipate, foresee and engage in extremely vigilant monitoring of these people's behaviour.

Let us consider the question of preventive detention. Obviously there is a considerable risk of abuse and stigma. In our legal system, the first consideration is fairness. If the state, with its prerogative powers, uses coercion against individuals and intrudes into their private lives, it is reasonable for there to be something to offset this, that being the knowledge that the individuals will have evidence against them that will lead to a conviction. In order for them to know and understand that evidence, and be able to prepare their defence, they must know what they are charged with and they must be arrested in accordance with the procedure set out in the Criminal Code.

In the case of preventive detention, that balance is upset somewhat. If I understand correctly, in the case of preventive detention, individuals may be arrested based on grounds or suspicions. Suspicions, in legal terms, are much less sound considerations. When there are reasons to think that individuals will commit terrorist acts, we generally have information we can use to assess the situation. There are various provisions. Why not use the conspiracy provision? If I remember correctly, it is in section 467 of the Criminal Code. Why not use the conspiracy provisions?

If we want to force someone to behave in a certain way and enter into a recognizance to keep the peace, why not use section 810? There is a big difference between clause 83.3 in the proposed legislation and section 810. They both have the same objective, namely to avoid something and ensure that someone enters into a recognizance to keep the peace. Under section 810, however, the person is summoned before a justice of the peace but not arrested. That is the first very important distinction.

● (1655)

The justice can require him to sign a peace bond, and he is arrested only if he refuses. If I remember correctly, the person can only be arrested for 12 months, although I think that might have increased to 24 months, at least in the case of section 810.

Those are provisions, therefore, that can be used by the various people responsible for enforcing the law. Unfortunately, clause 83.3 goes much further than that. A person can be held for 24 hours. The justice can also impose conditions for keeping the peace, there is no doubt about it. There will also be a stigma attached to the person involved because he was brought before a justice of the peace and associated with things that lead one to think he was involved in terrorism.

Being stigmatized in this way can have repercussions on a person's job. If his employer hears about it, his reputation could be tarnished in the organization he works for. His employer may well question his allegiance as an employee and even his contract.

If an employer finds out that one of his employees has been associated with terrorism, even if only suspected of it, he could very well lose confidence in him. This is understandable but very detrimental, especially as it is based not on a charge, or solid proof, or a trial conducted under the established rules but simply on a process that takes someone to a peace officer who sends him before a justice of the peace, all on the basis of suspicions.

Once someone has been associated with terrorism, even if only suspected of it, there are repercussions not only on his job but also on his mobility, for example if he wants to travel by plane or any other means.

In thinking about our objective, neither Canada nor Quebec is safe from terrorist incidents. We understand that. But why ask parliamentarians to take shortcuts with our democracy when there are no assurances that these shortcuts will ever be used by law-enforcement agencies? In fact, until there is proof to the contrary, they certainly have not been used so far.

In connection with the prevention of acts of terrorism, section 495 of the Criminal Code provides that a peace officer may arrest without warrant a person whom he believes on reasonable grounds is about to commit a criminal act. As we can see, the provisions are already in place.

I must say with no ill will, because I am totally incapable of it, that I am surprised by the attitude of our colleagues in the official opposition. The Liberals supported the charters and just society of Pierre Elliott Trudeau, and I thought they always responded positively to the call to end practices that might be considered highly discretionary and of concern in terms of individual rights. I do not understand that the official opposition is today supporting the government. If my calculations are right, that means that Bill C-19 will likely be passed. Even if the Bloc and the NDP oppose it, we can realistically expect it to pass.

● (1700)

That is shameful, especially since the leader of the Liberal Party, when I was a law student, was recognized as an authority in individual rights. How can he today drop his guard and allow his party to support a bill that is extremely worrisome in terms of individual rights and the potential abuses it may lead to?

My time is up. I appeal for Bill C-19 not to be passed.

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I listened to the presentation by my colleague from Hochelaga with considerable interest. His speeches are always very wise and moving. He stressed the importance of not making provisions that would enable the government to attack people's rights in a just and democratic society.

I would like his opinion on a concern I have. The government is already violating its own laws. It rejects the opinions and decisions of the courts. We have seen this with the Abdelrazik case recently, in which the court ordered the government to comply with its own laws and to honour the rights of this Canadian citizen who wants to return to his country and against whom there is no shred of evidence of his being a terrorist. With it not being permissible under the law but the government doing it all the same, what would it be like if the government were permitted to do this sort of thing under the law?

Mr. Réal Ménard: Mr. Speaker, my colleague from Jeanne-Le Ber is usually enlightened and moderate, in addition. The one does not necessarily come with the other, but this member is the happy synthesis of both. My colleague is quite right. During the more than 16 years I have been in Parliament, no government has ever had such a pitiful record in human rights. Obviously, the matter of the death sentence of Canadians abroad comes to mind. The courts had to intervene to ask the government to commit to providing a more rigorous defence than what it had been offering. There are people held in foreign prisons, which the government refuses to repatriate. This government, frankly, is pitiful in the field of human rights. We have all the more reason to be concerned about the future use that might be made of these provisions.

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, first, I listened attentively to my colleague from the Standing Committee on Justice and Human Rights. I would like to ask him the following question.

First, in the last session, his party voted against what is called the violent crime bill. Second, that party voted against the drug trafficking bill. That party voted against the human trafficking bill. I have not been here long, about three and a half years, and every time, systematically and on every occasion, I agree with him here, the Bloc always works for the criminals. It never works for the victims when criminals have some right.

I would like to know why he is still voting against this bill today and why he has advised his party to still be against this bill, a law that is needed for the protection of the public.

Mr. Réal Ménard: Mr. Speaker, of course, some people think that the member for Charlesbourg—Haute-Saint-Charles is a little demagogue who distorts the facts and is incapable of any consistency with the truth in any form whatsoever. I would not want you to think I am the one saying that, but on occasion I have had to listen to descriptions along that line when someone was talking to me about the member for Charlesbourg—Haute-Saint-Charles.

The Bloc Québécois has an extremely impressive track record when it comes to vigilance against organized crime. I was the first member to introduce a bill to deal with criminal organizations. We got $1,000 bills withdrawn. At the time when Charlesbourg—Haute-Saint-Charles had a very vigilant member, in the person of Richard Marceau, that is what we did. On the last day of the Martin government, we got a bill passed to reverse the burden of proof for proceeds of crime.

So when it comes to this gratuitous demagoguery from the member for Charlesbourg—Haute-Saint-Charles, who distorts the facts and is incapable of any sustained legal reasoning, we do not need it. We voted against the bills he referred to because there were mandatory minimum sentences in them. He would be unable to rise in this House and present us with a single scientific study that supports his views. The member for Charlesbourg—Haute-Saint-Charles is the master of demagoguery.

● (1705)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, we have seen it again. We have seen a member of the governing party make the argument that if we criticize the Conservatives or vote against legislation, then we are siding with terrorists. They are trying to boil this whole argument down to little 30-second clips so they can use it on their television ads. It is all about the next campaign.

Does the member think there is any possibility that parts of the bill could be used to target individuals engaged in legal protests or union activities, such as strikes, or anti-war demonstrations against the war in Afghanistan or any other such activity?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I have not reread the recent briefs submitted to the Standing Committee on Public Safety and National Security, but I recall that in 2002 I read briefs from witnesses who told us that the definition of "terrorist" was so broad that they actually believed that this kind of connection could be made between apprehended terrorist activities and organizations like unions and ideological or other groups.

I know that some people were apprehensive about this, but I do not know whether the recent work done by the Standing Committee on Public Safety and National Security has resulted in any narrowing of the definition of "terrorist" from the 2002 definition.

[*English*]

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is my pleasure to speak to the bill. I have the objective to cover a number of topics that I think might give us the full picture. Too often in the House, we talk about specific legislation. We call it "C-19" or C-whatever. We talk about clauses in bills. We talk about the black letter law and the fine lines. All too often, it must be lost on the Canadian citizenry, stakeholders such as law enforcement officials and attorneys general, et cetera, and all of us that there is a wider context and broader scope.

Today, we are essentially discussing aspects in the Criminal Code of Canada. I have said a number of times that a great way to get Conservatives on our side is to say that one of the best things they ever did as a party was to have a bright Maritimer, a former prime minister and minister of justice, Sir John Thompson. In 1892, when he was the minister of justice, he collated and wrote the Criminal Code of Canada, many years after we became a country. The hon. member from Scarborough has said it maybe it was one of the last goods things they did. That is probably unfair, but it history will judge.

The point is we live with the Criminal Code. The fact it was enacted it in 1892 and has never really had a wholesale revision of it means that we keep adding things to it. We keep adding layers to the Criminal Code. One of the layers we enacted in the wake of 9/11, the terrorist attacks on North America and our security and sovereignty as it was felt then, was section 83.1, a separate section on terrorism. It became law on January 17, 2002.

This was the context where we said that we would take 24 pages of the code and dedicate it to anti-terrorism tactics and legislation. It is a good place to start, because I have mostly been hearing a bit of a repetition from the Conservative side of the fine points about anti-terrorism legislation and how we have to shore this up because we kind of lost the boat in 2007. We have to clean this up and stop the leaks. It is only two subsections, which is a very small part of the 30 pages.

There has not been a wholesome discussion of what we did in 2002 in reaction to the terrorist attacks of 9/11. However, what I have heard all day from members of the opposition is the supposition that the Criminal Code takes care of all criminal activities and that there should not really be a special circumstance for acts of terrorism, that other parts of the code protect individual liberties. Criminals are people accused of crimes. They say that these should be good enough and that we should not have a special section on terrorism.

There is a lot written about how we reacted as a country and as Parliament to the acts of 9/11. There may be a thought after the passage of time that we overreacted with respect to the intrusion upon individual liberties and rights as defined in the charter. That will be a judgment of history. I do not think events are written into history in three, five or ten years. As they say, history is often written by the winners, but history is also often written when the winners and losers are long gone. The judgment of history will decide whether there were overreactions in North America or the western world with respect to 9/11.

However, when we look at the context of section 83.1, we can see that it is written fairly broadly and fairly comprehensively to take international situations into account. I do not think it can be said that the whole of section 83.1 was an overreaction that went too far. I have yet to hear the opposition parties say that the section 83.1 should be thrown out. I take it as an admission that the other opposition parties feel section 83.1 is worth keeping.

● (1710)

I think of my friends in the Bloc, particularly my friend from Hochelaga, who rail against certain sections of 83.1, in particular the recognizance preventive detention sections, which are the crux of the debate today. It is very curious that at the justice committee, he was the very member who brought forward the motion to suggest we should list organized crime organizations as outlawed associations and further our work in battling crime. It is a sure analogy because that is the very thing we did in section 83.1. By cabinet decision, by Governor-in-Council, there can be a scheduled list of terrorist groups, which then is made to apply to this part of the Criminal Code.

The member from the Bloc, who was extremely eloquent in defending his position, undercuts himself when he says that we should do this domestically in the Criminal Code, buttress section 467.1, which is the organized crime part of the code, with a legislated listing or organized crime associations, just like we did in 2002 with terrorist organizations.

I am a little concerned that opposition members are perhaps overreacting to legislation, the bulk of which heretofore they have not objected to.

I have a word on organized crimes. It is not an advertisement for the upcoming justice committee hearings, but it is worth noting that we spend 26 pages in the Criminal Code on terrorism and we spend 4 pages on organized crime. Currently we are trying to move organized crime into the terrorism section 83.1 by perhaps naming organizations and buttressing that section. If we are talking about organized crime, we can go to section 467.1 and say that this is what Parliament intended in dealing with this specific problem.

There is great recognition in the House that there is a specific problem when it comes to organized crime. Unlike what my friends in the other opposition parties are saying, it is not all found elsewhere in the Criminal Code. We are not talking about simple assault or murders. We are talking about murders, assaults and harm done by criminal organizations.

It is easier for us to understand that because we know about criminal organizations, drugs and crime. We see it every day. We see there are not enough prosecutions to keep up with the crimes. It is in front of us and it is in front of our constituents. It is open, it is notorious and it is there to see. Therefore, we see the need for that.

In the months after 9/11 we saw the need for section 83.01. As I say, I do not think there has been a backtracking on the need for a separate section on anti-terrorism legislation.

Like all reviews of legislation and like all needs for legislation, from time to time it is important to look back and see whether we overstepped. I am not saying that this would be part of the debate today, but an act of terrorism is defined in section 83.01, as many of those definitions are defined by universal declarations. I will not go through them all. They have been well pounded out by international organizations, declarations and conventions. They are all there. The definitions are clear. However, they are also for acts or omissions in or outside of Canada.

It was groundbreaking for this part of the code to take into account acts or omissions that took place offshore. It was very vital for us to treat terrorist offences differently in that way so we could have extraterritorial jurisdiction. However, it goes on to say that these acts are committed in whole or in part for political, religious or ideological purpose, objective or cause.

I know a number of lawyers who have been involved with some very high profile cases, including none other than the member for Mount Royal. They have suggested that the phrase, which precurses the debate of the sections we are getting into, may be a bit wide.

If we think about it, in organized crime we do not get into the ideological, political or religious reasons why organized criminal organizations open up chop shops or grow marijuana for the currency in the drug trade, corrupting our youth with respect to illicit drugs. We do not much care about that. We care about the fact that they are organized, they have targeted groups and they harm people by various crimes that would otherwise be in the code.

It is similar with respect to terrorism. We might say that ideological purpose drives a person to be a suicide bomber, and I understand that, but in this day and age, in our country of pluralistic values, the word religious hits a button, which I think is objectionable. The fact that it does not exist in the patriot act would tell us that the Americans bill of rights will not countenance it.

● (1715)

If we had to gauge reactions to 9/11, probably the American response was a little more reactive than ours. Again, history will judge that. I say that as a precursor because I know the influence for a lot of this legislation may be British in origin.

The British Parliament in its legislation, as it does not have a code, has been reactive to terrorism for a lot longer. It has some of the best crack units in anti-terrorism and some of the best intelligence gathering because of its longer experience with terrorist activities, which, in the main, were caused with the "problems" in Northern Ireland. Again that went back to the thought many years ago that this was only a religious problem. That is something at which we might want to looked.

Remember we are talking about the last three or four pages. With respect to the bill itself, the first 20 or so pages talk about the special powers that might be given to judges and prosecutors to amass evidence and property. As section 83.03 says, providing or making available property or services for terrorist purposes is an offence. There is the whole section of establishing the list.

There is the admission of foreign information obtained in confidence, which would not necessarily apply to a domestic crime. This is why section 83.1 is needed. There is the freezing of property, which again is a special element of the anti-terrorist campaign to get rid of parts of the Criminal Code. There is immunity from disclosure. There are audit powers that are necessary for the incursions into terrorist organizations. There are restraint and forfeiture of property applications that fill this part of the section. There are forfeiture provisions unaffected and participation in an activity and terrorist group, which are the collateral named or delineated offences.

There are a number of activities of harbouring and concealing terrorists, the instructing to carry out a terrorist activity if the individual is not the actual person involved, before we get to the debate about investigative hearings and the arrest warrant for detention in aid of that.

The Canadian public should know, and parliamentarians should keep reminding themselves, that we have no intention of getting rid of section 83.1, the whole terrorist part II.1. Not a speaker rose and said we should get rid of that.

The so-called sunset provision would maybe let the public feel or some people think that we have not had a lot of incidents, that maybe we do not need this heavy-handed tool, therefore the whole Anti-terrorist Act regime in this part of the code will go out. It is not part of the debate today.

We are talking about two provisions of the legislative agenda and whether they should be returned to the code and looked at on an annual basis, as the amended act says, and reviewed. Also it should be looked at within the view of terminating it within five years, another sunset provision.

The investigative hearings, in particular, have been tested by the Supreme Court of Canada. That is another thing I did not hear much about in the debate today. In the 2004 decision of the Supreme Court of Canada, Bagri, sections 7 and 11(d) of the charter were declared not to have been violated by these sections of the code.

This is now 2009. Five years ago, and two years after the enactment, those sections have been declared, without further challenge in five years, to have been compliant with the charter. We are now debating whether they should go back in. One reason is there have been improvements to the deleted or the sunsetted provisions by virtue of the work of the House and the other House.

Bill C-19, replaces, in the two section I want to talk about, the pith of the debate, sections 83.28 and 83.3 of the Criminal Code. These call for an investigative hearing to gather information for the purposes of an investigation of a terrorist offence and to provide for the imposition of a recognizance with conditions on a person to prevent him or her from carrying out a terrorist activity.

● (1720)

This act that has been brought in also provides that these sections cease to have effect for the possible extension of the operation.

All parties in this House take the protection of rights very seriously. On the other hand, there is a collective right in favour of protecting national security. There is the collective right of Canadians in every province and territory to feel that we have secured our boundaries, that we are going to act preventively, hopefully, and at least reactively, to measures that are undertaken by terrorist groups to destroy our country. I have to think that is a primordial national value shared by all parties.

Obviously the question in the debate today is the question of balance. How much infringement on individual rights will be tolerated for the protection of the collective right in favour of national security?

What is encouraging about this bill, as opposed to the last time we debated whether these two provisions should sunset or not, is that the government has incorporated safeguards proposed by the Senate and the special House committee that studied these matters in Bill C-19.

We feel that this bill deserves to be sent to committee to be studied in an overall wholesome and holistic way to determine whether those safeguards do indeed satisfy the right balance. Let us face it: none of us who spoke today are qualified to be witnesses on the topic. We are the elected members who express, as best we can and in the best fashion we can, what we think are the wishes of the Canadian people and in particular the people in our ridings.

At a hearing at committee, we would expect to hear experts in the field on this very important question of the balance between individual rights and the collective right of national security. The bill should be sent to committee because it has addressed previous concerns and it has incorporated proposed amendments set forth by the Senate members of the committee who studied it.

Again, this is not an advertisement. Let us be clear: the Senate committee studying this bill did a good job. They made a thorough review of the legislation and they proffered some suggestions that were followed by the Conservative government. It is about time that the government and all members in this place say that the Senate did a good job. There are some very capable people in the Senate, who brought forth some very important procedural protections and the tweaking of the two provisions to make it palatable, in my view, on the balance of rights.

The investigative hearings provisions in the Criminal Code allow authorities to compel the testimony of an individual without the right to decline to answer those questions. The intent would be to call in those who are on the periphery of the alleged plot, as it may be in terrorist circumstances, who may have vital information, rather than the core suspects. It is information gathering.

The second aspect of these two provisions is the preventive arrest provision, which in the Criminal Code allows the police to arrest and hold an individual, in some cases without warrant, provided they have reasonable grounds.

I think these amendments are very reasonable. They follow on Bill S-3.

In conclusion, I might add that the stakeholders in support include the Canadian Jewish Congress, which told the Senate committee that studied these provisions:

> We believed in 2001, and continue to believe today, in the importance of granting expanded powers to the security services through recognizance with conditions and investigative hearings for the careful monitoring of individuals and groups that are suspect and the amassing of relevant information well in advance.

I want to speak briefly about the Harkat decision. I would like to discuss it in terms of the questioning that I may receive. The Harkat case is a jumble of the misapplication of the law as it is. It does not stand for the proposition that the law as it is or as it is about to be amended through this process is bad. It is throwing the baby out with the bathwater to use Harkat and the various decisions of Justice Noël for an argument that we should not enact proper legislation respecting the balance between individual liberties, the rights of individuals and the collective need for security.

● (1725)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I would like the member to elaborate on the government not treating people equally with these extra powers, for example, not applying our prohibition against the death penalty against certain persons in the United States, or not bringing back a person who is out of the country and who has been treated terribly relative to Canadian justice. Does the member have any worries about the powers in this bill under conditions where a government deals with Canadians differently?

Mr. Brian Murphy: We do not have time to talk about the death penalty and the inappropriateness of the government's action, but I do have time to say that Bill C-19 adopts suggestions made by Liberals in the Senate, by Liberals here and by opposition parties, that suggest, for instance, there should be a right to retain and instruct counsel in these secret hearings, which was absent before.

It is very important, I will not say softened, but they made it more fair, that a judge must recognize that the disclosure and the investigation must be complete and that investigators, namely the police authorities, must exhaust all other methods before they get into preventative detentions and investigative hearings. They must go through the wringer, so to speak, before they trample on individual rights. That would guarantee, hopefully, the collective right of security.

PRIVATE MEMBERS' BUSINESS

● (1730)

[*English*]

EMPLOYMENT INSURANCE ACT

The House resumed from April 28 consideration of the motion that Bill C-279, An Act to amend the Employment Insurance Act (amounts not included in earnings), be read the second time and referred to a committee.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I want to begin by making it very clear that our Conservative government is determined to make sure unemployed Canadians get the help they need during these tough economic times.

As members know, the global economic crisis has not spared Canada. As far back as 2007, our government could see storm clouds on the horizon, and it began positioning Canada to cushion itself against the economic storm.

We reduced taxes on Canadians by over $200 billion to reduce the burden that families and small businesses bear.

This past week we learned that under our Conservative government tax freedom day for Canadians now comes 19 days earlier than it did under previous Liberal governments.

We have also provided the Bank of Canada with additional powers to respond to recessionary times and introduced even greater accountability and liquidity into our banking system. The result is that the World Economic Forum has declared Canada's banking system to be the safest in the world. Canada is expected to be among the first countries to emerge from the world economic crisis.

More recently, as the world recession deepened, we have made unprecedented commitments and investments to help laid off workers through these tough economic times and give them the training they require to return to the labour market.

That is why I cannot support the bill before us.

As members know, the EI system was designed to replace a loss of employment income. When people lose their jobs and their income dries up, they rightfully expect to receive some benefits under Canada's employment insurance program.

However, and that is a big however, there are situations where individuals lose their job but receive severance payments from their employer to carry them for a period of time after termination of employment. In other words, there is no immediate loss of employment income. In those cases, EI benefits should not kick in until the period covered by those severance payments is exhausted.

Today I received an email from the sponsor of the bill, and the email suggested that severance is like savings. I am here to tell the House that severance is not savings in most cases. Severance replaces lost income for a period of time that is required by the courts and by legislation for the employer to give notice to a terminated employee.

Let me talk about my personal experience.

In my previous life as a lawyer, I counselled clients in the area of severance. From time to time, I would represent employers. On other occasions, I would represent employees. We would negotiate severance settlements between the employee and the employer.

Each of our provinces has legislation that fixes the minimum amount of notice that an employer has to give to an employee when the employee is terminated without cause. Then there is the common law, which provides enhanced notice requirements in our court system.

When an employee is terminated, the employer does have to give notice of that termination. If the employer wants to terminate the employee right away, the employer has to provide compensation in lieu of that notice requirement. That may be two weeks, it may be a month, it may be a year. It can in some cases be up to, or even more than, two years of notice or compensation in lieu of that notice.

What is that compensation commonly called severance? That is simply compensation in lieu of the earnings that the person would have earned during the notice period that the employer is required to give. These are earnings on an ongoing basis for a period of time.

The bill before us suggests that even though an employee might be terminated and receives severance payments, in other words, earnings for a period of time, that on top of those earnings the employee should be entitled to receive unemployment benefits under our employment insurance program.

Employment insurance was never intended to be a windfall for employees. It was never intended to be double dipping, which would be at the cost of taxpayers. It was intended to be an insurance against loss of earnings.

● (1735)

The Employment Insurance Act talks about termination of earnings as triggering employment insurance benefits. That is why the current system does not pay EI benefits on top of, and simultaneously with, severance payments.

However, under the EI Act, workers who receive pension, vacation pay and severance payments can have their benefit period extended by each week for which separation or severance moneys are paid. That can run up to a maximum of 104 weeks. In other words, if people are entitled to receive employment benefits because they have worked long enough and paid in enough, once they exhaust their severance payments they can still collect EI.

Just to make it very clear, when a worker loses his or her job and does not receive a severance package, only the normal two-week waiting period would apply. Such individuals understandably do not have to wait as long to receive benefits.

The bill before us is deeply flawed. Not only would it allow some individuals to benefit unfairly from our employment insurance program, there are also a number of ambiguities in the bill which are created by redefining the term "earnings". For example, it is not all clear how the redefinition will affect the term "insurable earnings" under the act.

Furthermore, the bill completely fails to take into account how much this bill would increase the cost to taxpayers, employers and employees. What is clear is that the impact would be substantial. To begin with, by no longer requiring laid-off workers to take into account and use the resources from a severance payment, which is again in lieu of future earnings, the bill would add another $130 million in EI costs per year, costs which have to be raised through EI premiums. Who pays those increased EI premiums, one might ask? It is the employers and the hard-working employees who pay for that.

During these very challenging economic times, the very last thing we need is imposing new financial burdens on employers and employees alike. But then, we recently heard the news that the Liberal leader has admitted that he intends to raise taxes on Canadians, so it is not surprising to hear his Liberals are now supporting increased EI premiums. Like so many other schemes concocted by members of the NDP and supported by their Liberal and Bloc coalition partners, they neglect to consider the financial burden they are imposing on other Canadians.

There is another crucial point and that is the fact that this government has taken significant steps to provide additional income support to unemployed workers facing transitions during this recession. These new moneys are over and above the benefits I already described. For example, let me remind my colleagues in the House our recent economic action plan provided for an unprecedented improvement to our EI system. For the next two years we have extended EI benefits by an extra five weeks. We have also increased the maximum duration of benefits available under the EI program.

We are also supporting training for long-tenured workers. These are people who worked for many years and have not made significant use of the EI program. We want to help these individuals acquire new skills so they can get new well paying jobs. We are providing income support for the duration of their training and this change will benefit a further 40,000 workers across Canada.

We are also going to allow earlier access to regular EI benefits for eligible workers purchasing their own training if they invest all or part of their severance package resulting from a layoff. Both of these measures are to be implemented in partnership with the provinces and territories.

That is not all. Our government is providing the provinces and territories with an extra $1 billion over two years through existing labour market development agreements to provide more skills training to laid-off workers. We are also extending the work sharing agreements to 52 weeks for the next two years. The first people to call me after we tabled our economic action plan were from a company called Columbia Kitchen Cabinets from Abbotsford, B.C. Officials phoned me to thank me for recognizing the challenges they face and that they would make significant use of the expanded work sharing program. They were already using the program at that time. This just provided them with an opportunity to provide their workers with more options to continue working.

● (1740)

We are getting the job done. The bill does not do what it is supposed to do. It is unfair to workers and unfair to employers.

The Deputy Speaker: Order. I wish to make the following statement before moving on to the next speaker.

[*Translation*]

I am now prepared to rule on the point of order raised on April 28, 2009 by the Hon. Parliamentary Secretary to the Leader of the Government in the House of Commons concerning the need for a royal recommendation to accompany Bill C-279, An Act to amend the Employment Insurance Act (amounts not included in earnings) standing in the name of the hon. member for Welland.

[*English*]

I would like to thank the parliamentary secretary for having raised this matter, as well as the member for Mississauga South for his comments.

In his remarks, the parliamentary secretary pointed out that Bill C-279 seeks to exclude pension benefits, vacation pay and severance payments from earnings under the Employment Insurance Act. He stated that the effect of such an exclusion would be to make individuals eligible for benefits who would otherwise not be eligible or to increase the benefits to individuals currently eligible.

He noted that there is ample precedent indicating that legislation proposing new spending not currently authorized under the Employment Insurance Act requires a royal recommendation. In support of his claim, he cited earlier rulings from the first session of the 39th Parliament on this topic.

I have examined Bill C-279 and found that the proposed exclusion of amounts from the earnings under the EI Act would have the effect of altering the terms and conditions of this program in a manner which would infringe on the financial prerogative of the Crown. Simply put, the proposal put forward by Bill C-279 is such that more individuals would be eligible to receive EI benefits and those currently eligible would receive increased benefits.

[*Translation*]

With regards to a similar bill, I stated in a decision on March 23, 2007, at page 7845 of *Debates*:

> —those provisions of the bill which relate to increasing employment insurance benefits and easing the qualifications required to obtain them would require a royal recommendation.

[*English*]

In my view, the same conditions apply to the bill now before us.

For these reasons, I must conclude that Bill C-279 requires a royal recommendation. Consequently, I will decline to put the question on third reading of the bill in its present form unless such a recommendation is received.

[*Translation*]

Today's debate, however, is on the motion for second reading and this motion shall be put to a vote at the close of the second reading debate.

[*English*]

Resuming debate, the hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I am grateful for the chance to debate this issue. We are now obviously focusing on second reading and no longer on third reading, as dictated by your recent decision.

Nonetheless, I am glad to have the opportunity to debate this issue because it is a big issue for me personally in my riding of Bonavista—Gander—Grand Falls—Windsor, and particularly so for the area of the Exploits Valley in my riding, which had a mill that was owned and operated by AbitibiBowater in the town of Grand Falls-Windsor. It shut its doors last month or two months ago and now many employees are living in poverty. It is not only affecting them but also the people who work externally to the mill, which would be loggers in this particular situation.

I would like to begin my speech by referring to a conversation I had today with a former employee of the mill. He is the Communications, Energy and Paperworkers Union national representative in the mill. His name is Gary Healey. His situation is one that stands up as an example for all the rest and I would like to share it with the House at this time.

He says that in his situation he is expecting a fairly-negotiated early pension plan. Because of the negotiations that had taken place prior to this moment, he was eligible for an early pension plan. However, because he was laid off with the closure of the mill, he now cannot claim any of these major benefits until he reaches the age of 65, partly because of the legislation but mostly because of the fact that the mill has ceased its operations.

There are also issues pertaining to AbitibiBowater and bankruptcy, but this is a situation where he has now lost 10 years of his life for planning over the next little while, a detrimental situation, only to be taken from him just a few short months ago. That example persists for all of the employees, the vast majority of them certainly for early pensions. Think about those between the ages of 45 and 55 in that area who find themselves in this situation.

The employment opportunities in this particular area are fairly low and the unemployment rate is fairly high. For the most part, a lot of people have to move outside of this area and, indeed, in many cases, outside of the province. I am sure everyone can appreciate the gravity of this situation, as my hon. colleagues from the NDP certainly would because they have put this bill forward.

Here we have it. Bill C-279 hopes to make amendments to the EI Act pertaining to severance, certain pension benefits and also vacation pay.

In the particular mill that I spoke of, the situation people are in is this. When the mill was closed, the company declared bankruptcy. Therefore, it was unable to pay these major severance payments, totalling $40 million. The reason was because, of course, being in bankruptcy, it had to get permission from the courts and the judge in this particular matter. Therefore, people were not paid.

People applied for EI and went through the process. Some of them could not get EI because they had not exhausted their vacation time. The money they received for their vacation was apportioned over a period of time based on their average earnings and they were, therefore, unable to claim these benefits. That certainly suppressed their income at that point. Those who did exhaust their vacation time received the benefits.

Recently, however, the province of Newfoundland and Labrador made the decision, which I congratulate it for doing, to pay the severance payments from the province to the union to be disbursed. That included the loggers who were not originally part of this program. That is $40 million from the government of Newfoundland and Labrador. However, that now puts them in a situation where a lot of questions need to be asked and answered in this area. There are a lot of people like Gary Healey in this situation. There are people, like George Macdonald, in that situation right now who find themselves struggling to stay above the poverty line. I will return briefly at the end to the situation with the mill, but I would like to touch on some other aspects in my riding.

● (1745)

The economies of a vast number of rural communities represented in my riding are seasonal in nature. They are seasonal because they rely on things such as the fishery and forestry. As a stark example, it is impossible to fish off the coast of Newfoundland in a 35-foot boat in the winter months. It is also impossible to fish 200 miles off the coast of Newfoundland in a 65-foot boat during the winter months. One sees that the seasonal nature of this particular program is one that is very important. I press upon the government to realize the seasonal aspect, which is why we, and certainly I, support the 360-hour qualification period.

Employment insurance offers nothing more than a meagre income in this particular situation. With only 55% of the income, they certainly struggle through many of these months. That is the part that we have to focus on here. It is a question of poverty and it is now a question of compassion built back into the EI system. That is what the people of Grand Falls-Windsor, the Exploits Valley and the coastal communities want in this EI system: more compassion built into it. That is what we struggle for here in the House. Certainly I and my colleagues from the east coast, particularly from Newfoundland and Labrador, feel the same way.

Relying on EI is not their preferred way of life. All those who rely on EI would much prefer to be working, but there are no other employment opportunities, as I have touched on before. That is the component of this, because that is the compassion. I have heard the government say on many occasions recently that one cannot work 45 days and then expect to make a living beyond that. However, that is the very essence of seasonal employment.

This is where we lack compassion on this issue. There are certain industries that are anchored, including fishing, farming, forestry and tourism. These are the industries that rely on these short seasons, and this is where the compassion has to come in, in this particular system. They are asking for a living. They are asking for compassion.

The sad response from the government is to basically go to where the jobs are. On the surface one might think, is that not the way it has been all along and the way it is supposed to be? It is not particularly easy for someone who has worked in a particular mill or has worked on the coast for so many years. They cannot just turn to the next industry down the street when it is primarily a one-industry town with a higher income.

In many cases, these people are forced to re-educate themselves. They brag about the fact that there are education programs out there, but the education programs also require a payment of 20%, 40% or 50%. A lot of these people have to backtrack and complete the tail end of a high school education to get there. That takes a long time. That is a hard thing to do for someone with little education who is just a shade over 50 years old and ineligible for regular pension benefits such as the CPP.

Recently, in the election of 2008, there was a comment by Mr. Coles, the president of the Communications, Energy and Paperworkers Union, who said that he had a conversation with the current Prime Minister. At that point, the current Prime Minister said maybe they should think about moving to Alberta. That is where the compassion does not come in. That is the problem here. There is no compassion for someone who has just recently been laid off.

That is why we have to fix the EI system. The five weeks at the end is one issue among many. The EI system needs a cocktail of solutions and it needs solutions beyond just the five weeks at the end. It is also a question of eligibility. For people who work in seasonal employment, 360 hours counts a lot. Compassion in the EI system is the big reason we are here today.

I have only a minute left, but I do wish to conclude that over the past little while I have seen poverty face to face in many industries, particularly so with the AbitibiBowater situation in Grand Falls-Windsor. That is why, in principle, I would like to congratulate my colleague for bringing this to the House. I also want to say that I will be supporting this, because we do need compassion back in the system. This bill goes a long way in doing that. I hope that we will have a fruitful debate. Despite the fact that it did not receive the royal recommendation, I hope that the House will give this a lot of consideration before just writing it off.

● (1750)

[*Translation*]

Mrs. Josée Beaudin (Saint-Lambert, BQ): Mr. Speaker, once again I have the privilege of taking the floor and speaking on a bill to amend the Employment Insurance Act.

It is common knowledge that the Bloc never lets up on its efforts to make substantial improvements to the employment insurance program, which has become no more than a shadow of its former self. As a result, it unfairly penalizes workers who have faithfully contributed to it their whole working lives.

While definitely necessary, reducing eligibility to 360 hours regardless of region of residence is only the first step, and in no way sufficient on its own. The reform the Bloc Québécois has been urging for ages, along with the NDP, goes a great deal further. Excluding severance pay, retirement pensions and allowances, as well as vacation pay is, in our opinion, an integral part of the reform that should be enacted urgently.

In 1984, during the Progressive Conservative government, then Minister of Finance Hon. Michael Wilson announced as part of his economic update that, in future, benefit calculations would include payments made on termination of employment.

Three years later, in 1987, that same government announced that no benefits would be paid until potential recipients had used up their severance pay, this period being calculated by dividing the amount of severance pay by the salary earned in the last week worked.

For example, a person who earned $500 a week and received $5,000 in severance pay would have no benefits and no income for 10 weeks. Then there would be another two weeks added for the waiting period.

We believe this situation is unfair to workers who have been dismissed, since it their severance was not the result of poor work performance and still less of voluntary separation.

It is obvious that employment insurance is a public insurance program and it must not by compared with private insurance in any way. If we do that, there is a danger of falling into an approach that is contrary to governmental logic, which should focus on the common good and not on supporting mercantile or commercial interests.

Yet that is exactly how one government after another has behaved for the past 15 years.

I would even go further than that: not only have they subverted the social mission of the program, but they have replaced it with a focus on profit, a change in direction that has made it possible for them to stash away $57 billion in profits, at the expense of the unemployed.

The worst, ultimately, was that not only did this system become a government pseudo-corporation operating like the private insurers, but it did worse things that any private insurer would do.

What kind of private insurer would ask its clients who had had a fire, for example, to exhaust their own savings before it would provide the amounts still needed for them to restore their property?

It would be unworthy of a company that is the least bit serious and it is simply shameful of a government. It is indecent when we know that the tiny savings which flow from these measures but have such devastating effects on the unemployed would have been made up a hundred times if the government had not dipped so copiously into what should have been a cumulative reserve employment insurance fund.

Fifty-seven billion dollars: that is an awful lot of money that would have been very useful now that the unemployment rate has reached its highest point in 11 years. More than 400,000 full-time workers have lost their jobs and more than half of them will probably not get any employment insurance.

Fifty-seven billion dollars: that is enough money to eliminate the waiting period for 63 years.

Over the last 20 years, the coverage of the employment insurance system has fallen by half. The beneficiaries to unemployed ratio has fallen from 84% to 44% because the eligibility criteria were considerably tightened, though unjustly so, in the 1990s.

It is high time for the government to finally acknowledge this injustice and do everything in its power to fix it.

The Bloc Québécois and the NDP are not the only ones denouncing it. All labour unions and groups that defend the rights of working people have also been denouncing this injustice, which has led to the perversity of an employment insurance system that does not cover even half of those who are unemployed.

In 2005, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities adopted a report with 28 recommendations that were almost all ignored by the Liberal and Conservative governments. One of these recommendations expressly addressed the issue of excluding from the calculation of people's benefits all forms of remuneration they receive upon leaving their jobs.

● (1755)

I quote the report.

> The Committee recommends that the government amend the Employment Insurance Regulations so as to not consider pension, severance and vacation income in the determination of earnings for benefit purposes.

It must be noted once again that the committee's work was totally ignored. That is wholly deplorable. Nothing justifies this sort of attitude, which reveals the government's alarming indifference to its social mission. The Bloc will remain critical of this indifference so long as it leaves the unemployed in their current, untenable situation.

This is why we have introduced no fewer than four separate bills to make substantial amendments to the employment insurance plan. Thus, we hope to have the program that became a labour tax at the end of the 1990s and in the early 2000s once again become a program that really protects workers by providing them with financial security between jobs, that is, while they are unemployed.

The creation of the Canada employment insurance financing board in February 2008 seemed like a first step in this direction. But the 2009 budget has frozen contribution levels for the next two years. It seems that the Conservatives' sole concern is to have big business make economies of scale on the few cents per $100 that would be needed to improve the rate of coverage of the plan significantly.

They made a choice, that of big business over workers. They chose to drop the thousands of workers who, rather than benefiting from the support of a plan they pay into day in, day out, without skipping the two week waiting period, find themselves penalized because they receive whatever their employer owes them.

It seems, however, that penalization is the leitmotif of the Conservatives—penalization more severe than the crimes, minimum sentences, the two week waiting period penalty before employment insurance benefits are paid and, now, a penalty for workers who are less badly off than others.

If an employer gave laid-off employees a watch in gratitude, I think the Conservative government would take it into account in calculating benefits. By making sure the unemployed face serious economic difficulties, the government hopes they will return to work more quickly. This cynicism is not in keeping with the role of government. This is why my colleagues in the Bloc and I will vote in support of Bill C-279.

● (1800)

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am delighted to rise in support of Bill C-279, An Act to amend the Employment Insurance Act (amounts not included in earnings).

As members will recall, I had the privilege of tabling a motion on behalf of the NDP caucus which called for immediate and comprehensive EI reform. That happened on March 5 of this year, and the motion was voted on and passed by the House on March 10.

When he was in opposition, the Prime Minister was fond of pointing out that a government has a moral obligation to respect the vote of the House and to enact initiatives that are passed by a parliamentary majority. I guess that was then and this is now, because shamefully, it has now been three long months since my motion was passed and not a single one of its reforms has been acted on. The Conservative government fiddles while the workers get burned.

Just last week the unemployment figures were released for May. Since the last election, 363,000 jobs have been lost in Canada. That is just since last October, 363,000 jobs lost in seven months.

As the headline in my hometown newspaper, the *Hamilton Spectator*, pointed out, Ontario is ground zero for job losses. Ontario was walloped by a net loss of an additional 60,000 positions in May, bringing our province's tally of employment losses to 234,000 since October. In that time, according to Statistics Canada, jobs in manufacturing plummetted by 14% and jobs in construction by 9.3%. These were well-paying jobs, family-sustaining jobs, jobs that every laid-off worker wants back. They need those jobs to keep a roof over their heads, to feed their children and to keep up with their bills. When they lose their jobs, their only hope of staying afloat is collecting on the insurance that they have paid into all of their working lives, and that is EI.

EI is a worker's way of building up a rainy day fund. As the above statistics show, it is not just raining; the monsoon season has arrived in Ontario.

At the very time that workers need the money that they have put away for just such an occasion, they are being told that the cupboard is bare. How could that possibly be? It is certainly not because workers have excessively drawn on the fund. Rather, it is because the government absconded with their money.

Under successive Liberal and Conservative governments, the $57 billion EI surplus has been put into the consolidated revenue fund, which is the government's wallet, and been used to pay down the debt and deficit. It is that money that allowed Paul Martin to claim that he had successfully tamed the Canadian deficit. It was not him; it was workers. It was the money that workers had put away for a rainy day that was stolen from them and used for purposes other than for what it was intended.

If their money went into the consolidated revenue fund, then the government owes it to workers to now pay for EI out of that same fund. Workers deserve nothing less. They have a $57 billion IOU, and it is time to help these innocent victims of the recession weather this economic storm through comprehensive EI reform. To say we cannot afford it just does not cut it.

One part of the much needed comprehensive reform is the NDP bill before us today. It simply says that when someone files a claim for EI, the start of that claim will not be delayed because he or she is in receipt of a pension, superannuation, a retiring allowance, vacation pay, or severance. These are all monies that are owed due to past service and in no way should be deemed as current earnings that the government can claw back from EI.

I want to commend my colleague, the member for Welland, for bringing this important bill forward. He clearly understands the financial hardship that so many Canadians are confronting each and every day after losing their jobs. Unfortunately, all too many Conservative members in the House still do not get it. Their interventions in this debate have made that crystal clear. Let me share with them, and with all members in the House, a heart-rending story that was shared at a public meeting in Hamilton earlier this spring.

Our leader, the member for Toronto—Danforth, and our provincial leader, Andrea Horwath, co-hosted a meeting with Ken Neumann, the national director of the United Steelworkers. The room was packed with people worried about their jobs, and many had already received their pink slips. One courageous woman in particular made an impassioned plea for job protection and improved EI. It is her story that I want to share with members in the House today:

> My name is Shannon Horner-Shepherd and today I will be going into US Steel to receive my notice that my services will no longer be required. I began my employment with US Steel (Stelco) almost exactly 11 years ago, May 24, 1998. How do I know the exact date...it was the day that I breathed a sigh of relief that I had found stable employment and it was one week after I learned that my newborn daughter, Gabrielle, would probably not live to see her first birthday. You see, at the time I was a single mom of two children, Sumer, 4 years old, and Gabby, 5 weeks old. I felt blessed that in the turmoil of learning that my newborn daughter had been born with Trisomy 13, a rare genetic disorder that at best, would see her being severely physically and developmentally disabled and at worst, cause her premature death, I had a "good job".

● (1805)

> It was my job at the steel mill that gave me a feeling of safety and hope. A feeling of security, that I would be able to look after both my children and be able to provide the care that would be required to help Gabby live her life to its fullest potential. I had health benefits, something I had never had before for my children. I had job security for the rest of my life. I wouldn't need to worry about how I would pay for the medications, the therapies or all the added necessities that come along with having a child with a severe disability. I had hope.

Today, as I stand before you, my hope has been replaced with worry, my heart has been filled with dread and my shoulders are burdened with stress. I am still the mom to Sumer who is now 15, Gabby, who has just had her 11th birthday and also Justin and Nicholas my twin sons who are five years old. Gabby is still alive and yes the best case scenario was true...she is severely physically and developmentally delayed, but she is alive. I will be filing for my Unemployment Insurance on Monday, but I know that with the severe backlog of EI claims it will be weeks before I see my first payment. As I have been honest with you in baring my heart, I will be honest now. I, just like thousands of other steelworkers who are now out of work don't have weeks to wait. I have done my best to minimize the collateral damage that will be done once I lose my job. I have tried to explain to my boys that right now "mommy doesn't have the money" to buy the Hot Wheels set that my sons so badly want...how do I make them understand that the simple toys that they want are enough money to buy milk and bread and diapers for their 11 year old sister? How is it that I have gone from being envied by others for having a stable job and health benefits to being pitied for being a Steelworker and that I will now be living below poverty level?

Have I lived past my means? I don't think so. Did I buy a wheelchair accessible house last year so that I didn't have to worry about Gabby falling down the stairs and fracturing her spine again? Yes. Have I purchased a van that can be wheelchair accessible if and when Gabby has a stroke and becomes permanently wheelchair bound? Yes. [Have I] tried to get through the last 11 years with being the least amount of burden on the system because I could...[theoretically] "afford" to have a disabled child? Yes. Have I put money aside so that my other children will be able to attend college or university in the future? Yes. Have I lived beyond me means? No. I've just simply "lived".

Now. I am praying to the same person I prayed to eleven years ago, but this time I am not praying that my baby girl lives just one more day...Makes it to one more Christmas or sees one more birthday...No, this time I'm praying that I'll be able to keep my house, feed my kids and find a job that will help cover the medical expenses. I need a job that provides security and stability. I know that EI cannot cover the expenses that I have in a month, that I will have to choose between Easter presents for my kids or gas in my van to take Gabby to doctors appointments. I will try to accept the fact that I am no longer employed in a sector that has job stability and was once, along with the autoworkers, the pride of Ontario. I will accept the fact that I just like so many others will have gone from being able to provide the little extras that we all long for to not being able to provide basics. I will wake up each day as I did starting eleven years ago and pray that we make it through just one more day, week and month and maybe, just maybe, someone will hear me, and my [prayers] will be answered.

Thank you for your time and your ears.

Shannon Horner-Shepherd

Mother of 4 and a proud Steelworker

Local 8782

I hope that every member in this House has heard Shannon's story, not just listened to it but really heard it. We need to understand that the decisions we make here in this House have very real consequences. It is time to stop treating workers on EI as mere statistics. It is time that we saw their faces, really understood their hardship, and responded in a way that allows the unwitting victims of this recession to survive these uncertain times with dignity and respect.

Bill C-279 is an important step in the right direction. I urge all members to give it their unequivocal support and to commit today to fight for further comprehensive EI reform. Shannon and thousands of Canadians like her deserve nothing less.

● (1810)

The Deputy Speaker: There being no further members rising, I will go to the hon. member for Welland for his five minute right of reply.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I thank my colleagues on this side of the House for their kind words in this debate on EI and what we need to do to fix a system that has been broken for a number of years.

My colleague from the Bloc made reference to the fact that there was a point in time when severance pay did not delay receiving employment insurance and vacation pay was seen differently from how it is seen today by the Canada Revenue Agency.

If someone is paid vacation pay on a weekly basis, in other words, if a person is entitled to $50 of vacation pay and it is paid weekly, it has no effect on the person's EI if the person is laid off at a subsequent point in time. However, if the vacation pay is paid on an anniversary date, that delays the person's EI. As my colleague from Bonavista—Gander—Grand Falls—Windsor said, that delay is pushing people into poverty.

We just heard my colleague reference a young woman named Shannon who told her story to a room full of strangers. In a sense she was telling the story of an extended family across the country at this time in our history when people are suffering.

On this side of the House we are trying to let the government know by relaying these stories that the suffering could at least be mitigated. The end to the suffering will come when we come out of the recession and people have jobs again, but at the very least we should help those in the country who are suffering.

This bill would help them. After all, it is their money. The money they are entitled to claim through EI is money they themselves have paid into the fund. One can debate what happened to the other money that was there and should have been kept in abeyance for just this time in history. I will concentrate more on the issue of looking after all of those in society who, through no fault of their own, at this moment in time find themselves in hardship. Those people who walk away from a job, do not qualify for EI. This bill does not talk about that. This bill concerns people who are unemployed through no fault of their own.

My colleague from Bonavista—Gander—Grand Falls—Windsor is hearing from the AbitibiBowater workers. I am hearing from the John Deere workers who will be out of work in a month. Some 800 workers in the riding of Welland, specifically the city of Welland, will be laid off through no fault of their own. That profitable company decided to leave and go to Mexico and threw those workers onto the employment lines. Most of them have worked all their lives, so they are finding out for the first time in their lives that their severance pay will preclude them from collecting employment insurance when they are laid off. It could in some cases be for over a year.

The government has taken a half step, maybe a quarter step, and said that if people use their severance pay to pay for their own retraining, the government will let them qualify for EI. The government ought to be a little more generous than that. The government ought to be fully compassionate and allow them to keep their severance. The government should retrain them for the jobs of tomorrow, and let them collect EI. It is their money. They paid into the fund. They are entitled to it. That is exactly what they should be allowed to do. It should not be about people spending some money and maybe the government will give them some money. The government cannot give what is not the government's to give. Those people are entitled to collect EI because it truly belongs to them. They are the ones who paid into the fund.

We on this side of the House have an understanding of the hardships, an understanding of the needs of those who have found themselves unemployed. We see on the other side of the House a sense of pushing people away, "Let us not bother with them at the moment. They can come back and see us later and perhaps we will let them qualify then".

That is not what a compassionate country is about. That is not what the system was meant to do. The system is meant to take care of people in their most desperate hour of need. That is not happening. It is a real shame, that for all of those years that those people have worked, somehow they should not be entitled to EI as others are entitled. The entitlement should be the same. It should always be about equality. The way to make the system equal so that one is the same as the other is to allow them to keep that money.

I hope all members of this House will support the bill.

● (1815)

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And five or more members having risen:

The Deputy Speaker: Pursuant to Standing Order 93 the recorded division is deferred until Wednesday, June 10, 2009, immediately before the time provided for private members' business.

Shall I see the clock as 6:30 p.m.?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

EMPLOYMENT INSURANCE

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am pleased to speak tonight following up on a question I asked the Minister of Human Resources and Skills Development on June 2.

I want to read the comment that prompted my question. This was a comment that the Minister of Human Resources and Skills

Development made on June 2, as reported by the Canadian Press. The article quoted her as follows:

> There's no need to change the threshold for employment insurance eligibility because as the economy worsens, more and more Canadians will find it easier to qualify, [the human resources minister] said Tuesday.
>
> The current EI system adjusts every month to local economic conditions and is properly responding to the tougher job market, she said....
>
> "If the unemployment rate goes up in a given region then it gets easier for people there to access EI for a longer period of time, and most of the regions around Canada now have become easier to access"....
>
> "That is happening all over the country, each and every month."

What the minister is saying is a bizarre statement from a minister of the Government of Canada.

What she is saying is that the best we can give Canadians, what qualifies for hope in Canada, is a government-approved death spiral. Is the government saying in essence that we are going to have a race to the bottom? As unemployment goes up, one will be able to qualify. So if one does not qualify now, one will have to sit around and hope that one's friends and neighbours are not going to get a job either. In fact, they are going to lose theirs, and then one might get some assistance.

This has been a source of debate in this place for the last number of months. The Leader of the Opposition has been very clear that we should have a national standard of eligibility. He has a number of allies. In fact, most of the economic pundits, social policy groups, labour organizations and even business organizations have said that makes sense.

In the last week or so we have had support from some unusual places. In British Columbia, for example, the headline says, "British Columbia Premier Pushes For One Employment Insurance Standard For Canada". The story says:

> British Columbia Premier Gordon Campbell called on the federal government Thursday to have one Employment Insurance standard throughout Canada.

Another article, from *The Globe and Mail* states, "Wall adds voice to call for EI reform". The story starts:

> [The Prime Minister] is facing a new, high-level call from the conservative heartland to drop his resistance to employment insurance changes—this time from Saskatchewan Premier Brad Wall.

Premier Wall was quoted as saying:

> ...here's [a place], perhaps, where again some work can be done in the name of a more efficacious EI program certainly, but also in the name of fairness.

How about Premier Ed Stelmach? He said EI issues will be discussed at next month's western premiers' conference in Dawson City. Alberta has complained about varying eligibility rules.

So we have all kinds of people and Conservative premiers galore across the country saying that the Prime Minister is wrong. Even the Premier of Saskatchewan, where my colleague, the parliamentary secretary is from, is asking his MPs to do something to assist the unemployed.

It is amazing. The status of women committee of this place put together a great report recently on EI benefits. I commend it to people to read. They asked three ministers of the crown to appear for their study. None of them would appear. Why? It is because it is in line with the comments that the ministers in the government have shown toward the unemployed.

The Minister of Human Resources and Skills Development referred to EI as perhaps being too lucrative. That is a rotten attitude. That is a disgraceful attitude. It is an insult to working people across this country. It shows the insensitivity of the government to people who are losing their jobs in this Conservative recession. It is the kind of support that Canadians are not getting from this government, that they are getting in the United States and other parts of the world.

It is shameful and it has to stop.

● (1820)

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, of course, we are concerned about Canadians who are losing their jobs, and I am glad that my colleague has raised the EI entrance requirements. He has some explaining to do, because he has quoted a lot of people who disagree with the position he has taken. So I think he owes the House an explanation.

Let us be clear: Our government is absolutely committed to helping Canadians through this crisis, and we will continue to do so through our economic action plan.

The employment insurance program right now is working as it was designed to work by the previous Liberal government at a time when the unemployment rate in Canada was higher than it is today.

Of the 58 EI regions, 41 have easier access to EI than in October 2008. Fully 85% of Canadians have easier access to EI right now, compared to October. The system automatically adjusts. Interestingly, it is working as the previous Liberal government, of which this member was a member, designed it to work. In fact, it is working as my colleague for Dartmouth—Cole Harbour wants it to work, or at least how he wanted it to work last year.

He quoted a lot of people, but let me quote him, himself, in the human resources committee just a year ago. On April 1, 2008, he said the following:

> When you reduce to a flat rate of 360 hours, the cost is pretty significant...keep the regional rates. This is to protect those people [in high unemployment areas].

He went on to say:

> ...it's a real concern that if you get rid of the regional rates of unemployment, and cuts have to be made, it'll be those areas that are hurt disproportionately, and we need to be very concerned about that.

That is his quote. That is contrary to the other quotes he was referring to. He was not in favour of the 45-day work year idea with the fixed benefit, like that proposed by his NDP cousins. He acknowledged the high cost. He said that we should keep the original rates because they help protect Canadians in areas that have historically or chronically high unemployment.

The Deputy Speaker: I will just stop the hon. member there.

The hon. member for Dartmouth—Cole Harbour.

Mr. Michael Savage: Mr. Speaker, my colleague uses my words to validate my very point, which is that the Leader of the Opposition has indicated that this is not necessarily a change forever and for all time. This is a change in reaction to the crisis we face.

Last year, Premier Wall, Premier Stelmach, Premier Campbell and Premier McGuinty were not calling for changes to EI, but now they are because of the crisis we are in. I think we may have to structurally change EI permanently to have a national standard, but at the very least, we should have it at this time of economic crisis. That is what the Leader of the Opposition has said. That is what he has said consistently.

This is a specifically difficult time for Canadians in areas where they have not been hurt before, including my colleague's own province of Saskatchewan. His own premier is suggesting that they should change the rates.

As we are saying, let us have one standard eligibility rate for the country. Everybody seems to understand that except the Prime Minister of Canada and the parliamentary secretary, and the speaking notes that are given to the parliamentary secretary tonight indicate that they are not changing their view.

Canadians want fairness in EI—

● (1825)

The Deputy Speaker: The hon. parliamentary secretary.

Mr. Ed Komarnicki: Mr. Speaker, the member can wax as eloquently as he wants to, but the fact remains, we have done billions of dollars of enhancements to the EI program, with an additional five weeks, work-sharing programs, and so on.

The Liberal 45-day work idea will not help a single Canadian keep his or her job. It will not help a single Canadian to get a new job. It will not help a single Canadian to get a single new skill. It will only burden Canadians with higher taxes.

What Canadians do not need right now and what employers and employees do not need is higher taxes during this critical time. What they need is a government that cares, a government that ensures they can be trained for the jobs of the future, a government that is prepared to stand behind them during these difficult times, and that is what we are doing.

Here is what the former Liberal government said:

> ...significantly reducing entrance requirements...is not likely to equate to substantially increased EI coverage, particularly for the long-term unemployed.

That is exactly the point, and the member for Dartmouth—Cole Harbour made this point on his own in committee some time ago.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:26 p.m.)

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