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OFFICIAL REPORT
(HANSARD)

Tuesday, April 27, 2010

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, April 27, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)
[English]

COMMITTEES OF THE HOUSE

LIBRARY OF PARLIAMENT

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Joint Committee on the Library of Parliament with respect to the quorum and mandate of the committee.

* * *

BILL C-3—GENDER EQUITY IN INDIAN REGISTRATION ACT

Ms. Jean Crowder (Nanaimo—Cowichan, NDP) moved:

That it be an instruction to the Standing Committee on Aboriginal Affairs and Northern Development, that it have the power during its consideration of Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada (Registrar of Indian and Northern Affairs)*, to expand the scope of the Bill so that a grandchild born before 1985 with a female grandparent would receive the same entitlement to status as a grandchild of a male grandparent born in the same period.

She said: Mr. Speaker, I want to draw the attention of the House to two references in O'Brien and Bosc to support this motion. One is on page 752 of the English edition and it deals with a motion to instruct a committee. It states:

Once a bill has been referred to a committee, the House may instruct the committee by way of a motion authorizing what would otherwise be beyond its powers, such as, for example, examining a portion of a bill and reporting it separately, examining certain items in particular, dividing a bill into more than one bill, consolidating two or more bills...A committee that so wishes may also seek instruction from the House.

The House may give instructions to a Committee of the Whole or indeed to any of its committees. More than one motion of instruction may be proposed in relation to the same bill, but each such motion must be moved separately. Motions of instruction respecting bills are permissive rather than mandatory in that it is left to the committee to decide whether or not to exercise the powers given to it by the House.

It is clear from that reference that the House can instruct a committee on the scope of the bill. The second reference is from page 994 of the English edition of O'Brien and Bosc. It states:

Once a committee has begun a study, the House may also give it additional direction, known as "instructions". They are sometimes mandatory, but are usually permissive. A mandatory instruction orders a committee to consider a specific matter or to conduct its study in a particular way. A permissive instruction gives the committee the power to do something that it could not otherwise do, but does not require it to exercise that power. Committees may, if they wish, request an instruction from the House by presenting a report to it.

The reason that I believe that this motion is necessary is because we have before the House Bill C-3, which is a result of a B.C. Supreme Court decision that responded very narrowly. We have heard from numerous witnesses and from briefs before the aboriginal affairs committee the fact that there still is residual discrimination left over as a result of this very narrow definition.

Procedurally, we know that a committee by itself cannot expand the scope of the bill; however, there are two ways to expand the scope of the bill. One is for the House to give instruction, and again, I want to reiterate this is permissive so it is up to the committee to determine whether it would take this instruction, and the second way is for the government itself to expand the scope of the bill. To date, the government has not chosen to expand the scope of the bill, so I am requesting support of the House to give permissive instructions to the committee to allow it to expand the scope of the bill.

I want to talk a little bit about why this is important. In 1988, the fifth report of the Standing Committee on Aboriginal Affairs and Northern Development tabled a report in the House that outlined residual discrimination that was left over from the 1985 Bill C-31, which was a bill that recognized the fact that women who married non-aboriginal men could regain status in some way. But Bill C-31 still left discriminatory practices in place. The fifth report from 1988 acknowledged a number of areas where there was still discrimination. On page 30, it said:

In 1985 over 50% of all children born to status Indian mothers were born out of wedlock. All these children are now automatically registered as 6.(2) if there is no signed acknowledgment of paternity.

This is the issue concerning non-stated paternity. We heard from witnesses at committee that non-stated paternity often will discriminate against women who for a variety of reasons are unwilling to state the paternity. There were remedies suggested in this report which have not been acted on, which included having women sign an affidavit.

Further on in the report, it said:

Routine Proceedings

One of the most frequently cited examples of residual sex discrimination has been the discriminatory treatment of reinstated "12(1)(b)" women in terms of the rights of their children, grandchildren and non-Indian or non-status spouses under the amended Indian Act relative to the rights held by the descendants and non-Indian spouses of Indian men who "married out" before April 17, 1985. The rights concerned involved entitlement to Indian status, entitlement to band membership and reserve residency. The other frequently cited example is the sexually discriminatory treatment of illegitimate children born before April 17, 1985 of male status Indians and non-status women in regard to entitlement to status and band membership.

• (1005)

Further on in the report, there are a number of other examples of residual sex discrimination, which were brought to the attention of the committee. One of them required an unmarried Indian woman to name the father of her children, which I have already talked about. Later in the report, on page 36, it talked about the complexity of the act. It said:

The registration entitlement provisions have become increasingly complex since the first consolidated Indian Act in 1876. Unfortunately, the 1985 amendments continue this tradition. The entitlement provisions respecting registration and band membership now constitute a complex set of rules expressed in highly technical language. The entitlement of a particular individual is dependent upon the entitlement of his or her parents and/or grandparents under the present Act. In the case of individuals applying for reinstatement or first time registration because of discriminatory provisions of the Indian Act, an intimate knowledge of previous versions of the Act is also required. In short, these provisions cannot be easily understood by laypersons including the many people affected by the Indian Act.

Bill C-3 does nothing to alleviate those problems that were identified.

I will turn to modern-day times. The report was from 1988 and there have been no amendments to the Indian Act that have dealt with that residual discrimination until this date. A couple of decades have gone by where women and their offspring continue to be treated differently than men.

On April 22 the Canadian Human Rights Commission appeared before the committee. Its terminology was slightly different. It talked about alleged residual discrimination, but it outlined a couple of important points. It talked about family status because that is still alleged residual discrimination under the current Bill C-3. The CHRC official stated:

Family status is a very broad ground so I will provide a definition. Family status refers to the inter-relationship that arises from bonds of marriage, kinship or legal adoption, including the ancestral relationship, whether legitimate, illegitimate, or by adoption. It also includes the relationships between spouses, siblings, in-laws, uncles or aunts, and nephews or nieces, and cousins.

We have examples of that residual discrimination that is still going on between siblings. I am going to come back to that case in a moment. Dr. Palmater, when she appeared before the committee, outlined that family discrimination still exists within her own family.

Later in the testimony, the Human Rights Commission talked about a couple of key points, which other members of the committee are going to be speaking to today. The HRC official said:

My key message to you today is that this is by no means definite. The Commission's ability to redress allegations of discrimination under the Indian Act remains uncertain...The Attorney General of Canada has given notice that it will be challenging the Commission's jurisdiction, claiming that determination of status by the registrar is not a service under section 5 of the CHRA...Therefore, if a court were to find that the determination of status is not a service, the Commission would no longer have the authority to accept complaints related to Indian status. By extension, this could raise similar questions as to whether or not the determination of band membership is a service.

That aspect is important. What the committee certainly heard was not an acknowledgement of residual discrimination but a tacit admission. The government and the department have indicated that one remedy for people would be to go before the Canadian Human Rights Commission, but the CHRC clearly indicated that this may not be a remedy. It may well be that we could wait a few more decades before this residual discrimination is addressed.

In its closing remarks, the Canadian Human Rights Commission stated:

The Committee has already heard that the Indian Act has had discriminatory effects, including residual gender-based discrimination. A case-by-case, section-by-section approach to resolving discriminatory provisions of the Indian Act will be costly, confrontational and time-consuming. Moreover, the Act places the burden on complainants who do not necessarily have access to legal resources.

Again, testimony before the committee indicated that there are currently 14 court cases in the works regarding various complaints concerning status provisions in the Indian Act.

• (1010)

We know that in the case of Ms. McIvor it was 20 years before she was able to have her case finally resolved. The resolution was not the one Ms. McIvor had hoped for.

Again, this is all part of the argument that it is critical to take this opportunity now that we are opening up the Indian Act to look at the status provisions and deal with all aspects of the sexual discrimination still present in the act.

In its testimony at committee, the Canadian Bar Association highlighted a number of areas. One was as follows:

There are many people registered under section 6(2) who were registered post-1985 because they were not registered earlier for reasons other than gender discrimination. One of those reasons had to do with adoption. In the 1960s and 70s, numerous First Nation children were adopted out but were not registered as Indians. After 1985, they were registered as Indians but under section 6(2). In many of those cases, their mothers still had status at the time of the children's birth and so after 1985 were reinstated because they were entitled to be registered at their birth but were not. However, they were given the same lesser status—namely section 6(2). Bill C-3 would not provide any benefit to those people who were given section 6(2) status for reasons different from the McIvor case. Unless a person meets all of the criteria, they are left out.

This is another case of that residual discrimination.

The Canadian Human Rights Commission talked about family status being one of the areas where there is potential for discrimination. The Canadian Bar Association identified that and said:

This raises a potential concern for "family status" discrimination, in that some people will only be "bumped up" from section 6(2) to 6(1) status if they parent a child. This may affect people whose band membership code denies membership to Indians registered under section 6(2) and also in communities where there is a certain stigma associated with having section 6(2) status rather than section 6(1).

These various categories continue to promote a lack of harmony and conflicting relationships. This is an opportunity for the House to deal with that.

Routine Proceedings

The Canadian Bar Association also dealt with section 9 and said that section 9 is a concern as it would remove the right of people to sue the federal government for not providing them the status as a result of the gender discrimination addressed by the bill. The association cautioned that this would make the bill vulnerable to further court challenges.

The Canadian Human Rights Commission identified the fact that it may also limit its ability to provide a remedy if section 9 of the bill stands. Later on in its brief, the commission talked about continuing discrimination:

Unfortunately, Bill C-3 would not completely eliminate discrimination from the registration provisions of the Indian Act. The proposals do not address discriminatory aspects of the "second generation cut-off rule" enacted in 1985, which the parties and the court studiously avoided in the *McIvor* case.

Perhaps more important, Bill C-3 would not sufficiently address the source of discrimination identified by the B.C. Court of Appeal; sections 6(1)(a) and 6(1)(c) violate the Charter to the extent that they grant individuals to whom the "Double Mother Rule" applied greater rights than they would have had under the former legislation. The...Double Mother re-instates would still have "better status" than those in the comparator group, even following the proposed amendments in Bill C-3.

That is a serious concern, that even in a *McIvor*-like situation we are going to continue to perpetuate that kind of discrimination.

I mentioned that I wanted to talk briefly about Dr. Palmater's presentation to the committee on April 20. This is an example of that ongoing family discrimination which Bill C-3 does not address. She talked about her own family and said:

I have one sister who was adopted, three who were born pre-1951, and three who are illegitimate. This will mean very different things for us under Bill C-3 or for any limited gender discrimination remedy.

What she is talking about is that because of the birthdates of her siblings and legitimacy versus illegitimacy, people will have either no status or different status even with the changes under Bill C-3.

In this day and age when we acknowledge there are discriminatory practices still inherent, why would we not take this opportunity to address those? Why would we leave people hanging out there for possibly a couple more decades? I need to remind the House that some of these people who would be impacted are getting older and they simply may run out of time to have their particular cases addressed.

● (1015)

I want to reference briefly the *Lovelace* case. Dr. Palmater argued in her presentation that the government could have expanded the scope of the bill. It did not need to narrowly address the B.C. Supreme Court decision. She said:

When Canada responded to the *Lovelace* case with Bill C-31 in 1985, it did not limit the amendment to the reinstatement of section 12(1)(b) women, it also amended the Act to allow bands to control their own membership; changed the legal presumption for unstated paternity from a default of Indian paternity (unless protested) to a presumption of non-Indian paternity and reinstated other categories of previously enfranchised Indians. Canada is no more limited in its ability to amend the Act now, than it was in 1985.

Not only does Bill C-3 not address all of the gender discrimination in the registration provisions of the Indian Act, but it does not even entirely address the limited form of discrimination found in the Court of Appeal in *McIvor* between double mother clause and section 12(1)(b) reinstates and their descendants.

The Court of Appeal in *McIvor* specifically stated that it would not draft the legislation. Canada is therefore left with the responsibility to do so in a manner which respects gender equality.

There was nothing in the Court of Appeal case to prevent Canada from addressing the larger issue of gender discrimination as between sections 6(1)(a) and 6(1)(c).

Later in Dr. Palmater's presentation she outlined a number of suggestions for amendments to the act that would address residual sex discrimination. I will not go through all of the proposed amendments. It is clear from the number of people who appeared before committee that there are serious problems.

A matter of concern for the committee is that as part of the rules of this House, if this bill should be defeated, the government would be under no obligation to respond to the court of appeal decision, nor could it reintroduce a bill substantially similar to the bill that is before the House. That presents a challenge for the House in terms of our ability to deal with that residual discrimination.

The Union of B.C. Indian Chiefs appeared before the committee. This issue is of particular concern in British Columbia because it was the B.C. Supreme Court that struck down sections 6(1)(a) and 6(1)(c) as of April 6. The B.C. people who could gain status will be directly impacted by this piece of legislation.

The Union of B.C. Indian Chiefs requested a couple of things, that the act be amended to also include those who were born before September 4, 1951 and those who lost status not due to the fact that their mother and grandmother lost status through marriage but those children born outside of a marriage who lost status because a registrar universally deemed them to have a non-status father. As I mentioned earlier, that touches on unstated paternity. The union called for the deletion of clause 9 which limits government liability.

The Waban-Aki Nation has a current court case which specifically relates to the difference between how siblings are treated. The Waban-Aki Nation, in its presentation, talked about the siblings rule.

Susan Yantha was born in 1954. At the time of her birth the Indian registration rules did not allow for the registration of illegitimate daughters of an Indian father and a non-Indian mother. There is an analysis comparing her with a hypothetical brother. The brother, whom we will call Arthur, would have had the right to be registered at the time of his birth since the Indian registration rules, which did not allow for the registration of illegitimate daughters of an Indian father and a non-Indian mother, did allow for the registration of their illegitimate sons. Although there were some changes, it did not fully address the way that different siblings could pass on status to their children.

When the Court of Appeal heard the government application for extension, it was cognizant of the fact that it was desirable for government to consult with first nations before proceeding with amendments to the legislation. It indicated that under the circumstances, it might well have acceded to a request for a longer suspension of its declaration had it been sought.

Routine Proceedings

• (1020)

It is clear that had the government sought it, the courts would have agreed to give a longer period of time so that legislation could be drafted which appropriately addressed the residual discrimination that was outstanding.

I would urge this House to support this motion, pass on permissive instructions to the committee to allow it to expand the scope of the bill, and take an opportunity to address meaningfully the residual discrimination.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I commend the member for bringing this issue forward. As she knows, we are all working on this.

The member suggested that it might have been implied in committee, not said outright, that there is still residual discrimination. I tend to disagree. I think it was pretty plain and clear. Virtually all the witnesses and members of the committee from every party understand the simple fact that this bill removes some discrimination, but the fact is there is still some discrimination left. Based on those facts, she might want to comment further on the witnesses. Some of them suggested that the bill not even be passed because of that. I am not sure we want to deny some people, if that is our only option.

I would be very disappointed if the government were to move to proceed to orders of the day, which would stop this debate, when it knows, as we all do, the simple fact that there is still residual discrimination. If the government moves to proceed to orders of the day, it will be stopping the debate when it knows there is discrimination. The government is trying to hide it under the rug. It has even admitted there is discrimination, because the government said that it would have further discussions on this.

We do not need further discussions when someone simply has a right. Why not put it in the bill right now? We do not need further consultations or discussions when someone is being discriminated against, when we could just put in clauses that would remove that discrimination.

• (1025)

Ms. Jean Crowder: Mr. Speaker, I apologize if I led anyone to believe that it was implied. My words were more about when the Canadian Human Rights Commission came before the committee. The commission talked about alleged residual discrimination. I think that is the lawyer coming out, because at this point in time, there are still court cases that are outstanding that may or may not confirm that residual discrimination.

I would agree with the member for Yukon that witnesses who came before the committee were almost unanimous in talking about residual discrimination. There were a number of different cases highlighted and a number of different proposed amendments. I would agree with the member that this is the time, in 2010, to end that residual discrimination.

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, I just want to say how disappointed I am in terms of this motion.

The government has been very straightforward. The committee has been very straightforward. We have offered departmental

officials to talk about this whole bill, the amendments and the possibilities. We have had very good witnesses. We have had people say that we really need to get on with Bill C-3. Anything that members might want to do in the way of amendments will have unintended consequences. I have had conversations with representatives from national aboriginal organizations. We have offered an exploratory process that would go beyond this bill, as a parallel process that would basically take very considerable time to accomplish.

We are not trying to disguise our behaviour or anything flowing from the McIvor case. The bill is a direct response to a Supreme Court of British Columbia decision, nothing more, nothing less. Everything else can be addressed through the exploratory process.

I would just like to put that on the record because we certainly have a different set of talking points suddenly coming from the opposition.

Ms. Jean Crowder: Mr. Speaker, I think we would all agree that the government responded very narrowly to the McIvor decision. It did no more than it was required to do. Some would even argue that inherent in the McIvor decision was this parallel situation, very similar to McIvor, but because of a birthdate, people will continue to be left out.

In my speech I quoted the Lovelace decision where, in 1985, the government did expand its response. It did attempt, faultily, to address some of the wider discriminatory issues. This could have been an opportunity to address some of that residual discrimination.

In addition, although there is an exploratory process under way, the problem with some of these processes in the past has been that the results have not ended up with the intended consequences. How long will the exploratory process go on? What is the commitment to the end result? Will there be money attached to it for everybody to be involved? Will there be resources available for first nations bands to acknowledge the reinstates? There are a number of challenges before us.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened carefully to my colleague's speech. Obviously, we are supporting her motion. The Standing Committee on Aboriginal Affairs and Northern Development examined Bill C-21 to repeal section 67 of the Indian Act. Mr. Speaker, you were chairing the committee at that time. The bill was finally passed after many discussions and a lot of work. The committee worked so hard that the bill went to committee with just one clause and came back with more than nine or ten clauses.

I do not agree with the parliamentary secretary and I say more about that later. Ms. McIvor, in the McIvor decision, was the last woman to take advantage of the court challenges program, which was abolished by the Conservative government. That is one of the reasons we are asking to amend this bill.

I have an important question for my colleague: does she think that other aboriginal people, who will not have access to the court challenges program, since it has been abolished, will be able to defend claims and make it to the Court of Appeal of British Columbia, Ontario or Quebec?

Routine Proceedings

• (1030)

[English]

Ms. Jean Crowder: Mr. Speaker, that is the dilemma facing us. With the cancellation of the court challenges program, others who may have some human rights challenges will not have access to funds to take those on to the superior court.

I quoted the fact that 14 cases are currently in the system. We have no idea how many other people may be victims of discrimination but do not have the wherewithal to take their cases forward. It is very important that we take this opportunity to examine that residual discrimination and not put people through that kind of process.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I thank the member for Nanaimo—Cowichan for bringing forward this motion because I think she has done it in good faith.

Frankly, I was very surprised to hear the comments from the parliamentary secretary, who was chastising us for bringing this forward, because it seems to me that we have this bill in the House. The member is saying that the bill, because it is so narrow, does not address the real issues that need to be addressed in terms of still remaining discrimination. Why not look at the scope of the bill and go beyond its narrow scope and fix the problem? I am actually shocked that the government would not go along with that.

The member has tried very diligently to convince the government to do that but it has refused. Now we are left with this motion that is entirely legitimate. I want the member to reiterate why this motion was brought forward today and why we had to use this option.

Ms. Jean Crowder: Mr. Speaker, the motion before us is because the government responded very narrowly to the McIvor decision. It could have introduced a much broader bill. It has the power to expand the scope of the bill or withdraw the bill and introduce a more appropriate bill.

We consistently heard from witnesses before the committee that there is residual discrimination. Why would we not take this opportunity? The B.C. Supreme Court has indicated that it would have provided an extension, if the government had sought it, that would have allowed it to deal more appropriately with the responses of the McIvor decision. However, it is clear that the government did not choose to take that course of action.

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I will be splitting my time.

I will speak against the motion of the hon. member for Nanaimo—Cowichan. Bill C-3, the gender equality IN Indian registration Act, proposes to end a cause of gender discrimination in certain registration provisions of the Indian Act. I believe it is essential to note that the central objective of this bill is ultimately one of gender equality.

At issue are some of the rules that govern registration as an Indian, which is often referred to as Indian status, specifically, what criteria the Government of Canada should use to determine who can be registered as an Indian. Today, of course, the term Indian is rarely used to refer to an individual, although terms, such as status Indian and Indian register, remain important legal concepts.

To use the word today is by no means intended to be derogatory or disrespectful. My intent here is to summarize the complex issues. This bill directly responds to a decision rendered last year by the Court of Appeal for British Columbia. The court ruled that two paragraphs in section 6 of the Indian Act are contrary to the Canadian Charter of Rights and Freedoms.

The court suspended the effect of the decision until July 5 of this year so that Parliament could take action to resolve the issue. The solution proposed in Bill C-3 is to amend the Indian Act to remove the discrimination between male and female lines that the court ruled is discriminatory.

However, if no legislative solution is in place by this date, no new registrations in the province of British Columbia can be made for the duration and validity of those provisions.

We must also bear in mind that gender discrimination in the current version of the Indian Act has a negative impact, not only on first nations peoples but on all Canadians.

I am reminded of what Her Excellency the Governor General, the Right Hon. Michaëlle Jean, said in the 2008 Speech from the Throne. She said:

Canada is built on a promise of opportunity, the chance to work hard, raise a family and make a better life. Today, it is more important than ever to deliver on this promise, and ensure that all Canadians share in the promise of this land, regardless of cultural background, gender, age, disability or official language. This Government will break down barriers that prevent Canadians from reaching their potential.

When the B.C. Court of Appeal handed down its ruling, the Government of Canada reviewed and analyzed it thoroughly. In June of last year, the Minister of Indian Affairs and Northern Development announced that the federal government would not appeal the ruling and that it would proceed with amendments to the Indian Act as ordered by the court. In August, the minister announced the federal government's engagement plan to provide information and seek input on a legislative solution.

In the same month, the engagement process got under way with the publication and distribution of a discussion paper. The discussion paper provided an overview of the issues at play, described a previous effort to amend the Indian Act to remove discriminatory provisions and outlined the Government of Canada's proposed legislative solution. The engagement process enabled interested parties to provide feedback on the proposed legislative approach, including submitting written comments to Indian and Northern Affairs Canada or by attending one of the engagement sessions held last fall throughout Canada.

The discussion paper was designed to focus and inform the engagement process. Department officials also provided technical briefings to officials of five national aboriginal organizations: the Assembly of First Nations, the Congress of Aboriginal Peoples, the Native Women's Association of Canada, the National Association of Friendship Centres and the Métis National Council.

Routine Proceedings

The engagement sessions were held from early September through early November. National aboriginal organizations co-sponsored three of the sessions and department officials worked with regional aboriginal organizations to conduct another 12 sessions. Overall, a total of approximately 900 people participated in the engagement sessions held across Canada and more than 150 submissions were received by mid-November.

The process generated a great deal of discussion and a wide range of views and opinions were expressed. Concerns raised most often related to the potential financial implications for first nations and possible impact on treaty rights. In addition, many people expressed concerns about broader issues associated with Indian Act rules regarding registration, membership and citizenship.

● (1035)

During these engagement sessions, while many people expressed support for actions intended to eliminate gender discrimination in the Indian Act, many also called for much larger reforms.

As the Minister of Indian Affairs and Northern Development has made clear, however, Bill C-3 responds directly to the court's ruling by proposing amendments to certain registration provisions in the Indian Act. As the minister has announced, a separate exploratory process is being put in place with the involvement of first nations and aboriginal organizations to examine the broader issues raised during the engagement process.

Over the next few months the government will be collaborating with first nations and other aboriginal organizations in setting up this exploratory process as a separate and distinct process to the legislation on the broader issues associated with registration, membership and citizenship as was requested during the engagement process. Specifically, this will be done in partnership with the Assembly of First Nations, the Native Women's Association of Canada, the Congress of Aboriginal Peoples, the Métis National Council and the National Association of Friendship Centres.

All organizations, along with the Government of Canada, are willing to work together on a process designed to gather the views of individuals, communities and leaders.

Bill C-3 complements the partnership approach adopted by the Government of Canada on many issues that affect the lives of aboriginal peoples. Proposed legislation, along with the exploratory process, strengthens the relationship between Canada and aboriginal peoples.

I move:

That the debate be now adjourned.

● (1040)

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Call in the members.

● (1120)

[*Translation*]

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

(*Division No. 36*)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Anders	Anderson
Armstrong	Ashfield
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	Cummins
Davidson	Dechert
Del Mastro	Devolin
Dreesen	Duncan (Vancouver Island North)
Dykstra	Fast
Finley	Fletcher
Galipeau	Gallant
Généreux	Glover
Goldring	Goodyear
Gourde	Grewal
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoepfner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Lobb	Lukiwski
Lunn	Lunney
MacKenzie	Mark
Mayes	McColeman
McLeod	Menzies
Merrifield	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Payne	Petit
Poilievre	Preston
Raitt	Rajotte
Rathgeber	Reid
Richardson	Rickford
Ritz	Saxton
Scheer	Schellenberger
Shiple	Shory
Smith	Sorenson
Stanton	Storseth
Sweet	Trost
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Wallace

Routine Proceedings

Warawa
Watson
Sky Country
Weston (Saint John)
Woodworth
Young— 123

Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to
Wong
Yelich

NAYS

Members

Allen (Welland)
Andrews
Ashton
Bagnell
Beaudin
Bennett
Bigras
Bonsant
Brison
Byrne
Carrier
Christopherson
Coderre
Crombie
Cullen
D'Amours
Davies (Vancouver East)
Demers
Desnoyers
Dhalla
Donnelly
Dosanjh
Duceppe
Duncan (Edmonton—Strathcona)
Faïlle
Foote
Gagnon
Gaudet
Goodale
Guay
Basques)
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)
Hall Findlay
Harris (St. John's East)
Hughes
Jennings
Kania
Laforest
Lavallée
LeBlanc
Lemay
Lessard
Malo
Marston
Martin (Winnipeg Centre)
Masse
McCallum
McKay (Scarborough—Guildwood)
Mendes
Mourani
Murphy (Charlottetown)
Nadeau
Oliphant
Paillé (Hochelaga)
Paquette
Pomerleau
Rae
Regan
Rota
Savage
Scarpaleggia
Siksay
Simson
Stoffer
Thi Lac
Tonks
Vincent
Wasylcia-Leis
Wrzesnewskyj

André
Angus
Bachand
Bains
Bélanger
Bevington
Blais
Bouchard
Brunelle
Cardin
Charlton
Coady
Comartin
Crowder
Cuzner
Davies (Vancouver Kingsway)
DeBellefeuille
Deschamps
Dewar
Dion
Dorion
Dryden
Dufour
Easter
Folco
Freeman
Gameau
Godin
Gravelle
Guimond (Rimouski-Neigette—Témiscouata—Les

Holland
Ignatieff
Julian
Kennedy
Laframboise
Layton
Lee
Leslie
Lévesque
Maloway
Martin (Esquimalt—Juan de Fuca)
Martin (Sault Ste. Marie)
Mathysen
McGuinty
McTeague
Minna
Mulcair
Murray
Neville
Pacetti
Paillé (Louis-Hébert)
Plamondon
Proulx
Rafferty
Rodriguez
Russell
Savoie
Sgro
Silva
St-Cyr
Szabo
Thibeault
Trudeau
Volpe
Wilfert
Zarac— 134

PAIRED

Nil

The Speaker: I declare the motion lost.

[*English*]

After the speech of the hon. member for Medicine Hat, there are questions and comments for 10 minutes. I therefore call for questions or comments.

[*Translation*]

The hon. member for Abitibi—Témiscamingue.

• (1125)

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened closely to what my colleague said before the Conservatives decided to move a motion to adjourn the debate. That motion was absurd; it would have prevented us from continuing an extremely important debate on discrimination against women.

Contrary to what the member for Medicine Hat said, the committee realized during its study of Bill C-3 that the bill would fix nothing. It is just a band-aid solution for a much bigger problem. We have a unique opportunity during this session of Parliament to deal with the issue once and for all. If we do not deal with it now, it will come up again over the next 25 years.

I would like my colleague to comment on the problem. Ms. McIvor received financial support from the court challenges program to take her case to court. Does my colleague agree that if we adjourn the debate and move on, the issue will come before the courts yet again? Does the hon. member agree that we should reinstate the court challenges program that the Conservatives eliminated?

[*English*]

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I would like to point out to the hon. members in the House that in fact our government has gone a long way in trying to promote equality against gender discrimination.

In budget 2009 and budget 2010, we have brought forward hundreds of millions of dollars that will help people right across this country, including the aboriginal and first nations people.

Therefore, I would like to suggest that our government has moved forward to try to bring some resolution to this court challenge and order by the B.C. Court of Appeal. Bill C-3 in fact does that. I believe this will help end discrimination. If we do not do this, that will make sure the first nations and aboriginal people in B.C. will not be able to register anyone else.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I would like to ask the hon. member across the way a question.

He knows full well that there were two decisions of the British Columbia courts on McIvor. There was one in 2007 and one in 2009, both of which recognized the harm of exclusion suffered by aboriginal women.

I want to ask the member why his government chose to move forward with the narrowest of interpretations of the court, knowing full well that there will be many aboriginal women who will be excluded and there will be residual impacts for them?

Routine Proceedings

Mr. LaVar Payne: Mr. Speaker, this Bill C-3 is a very important bill for the first nations people of British Columbia. In fact it will allow eligible grandchildren of women who have lost status, as a result of marrying non-Indian men, to be entitled to registration of Indian status in accordance with the gender act.

This is a really important process that we need to go through. We need to make sure we reach that decision prior to the court's extension date of July 5 of this year. We have also engaged in a process where all first nations people will be able to come and discuss these issues over the next period of time, so we can get their input on registration and citizenship.

• (1130)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the hon. member is a member of the standing committee and is well aware that we heard at the standing committee that numerous instances of residual sexual discrimination are still outstanding.

I quoted from the 1988 aboriginal affairs committee report, the fifth report, that over two decades ago outlined some of those discriminatory practices that were still inherent in the Indian Act.

We have known for a couple of decades about the residual discrimination and given the fact that this was an opportunity to deal with that residual discrimination, why did the government not take this opportunity, as it did in 1985 with Bill C-31, to have a much broader response to identified discrimination? Why did the government not take this opportunity to address that residual discrimination?

Mr. LaVar Payne: Mr. Speaker, as I am sure most members are aware, in April 2009, the Court of Appeal in British Columbia ruled on the *McIvor* case, *McIvor v. Canada*, and certain registration provisions under the Indian Act were unconstitutional and violated equality provisions of the Canadian Charter of Human Rights. The court suspended the declaration for 12 months to April 6, 2010 to give Parliament time to pass this act. In fact, the court extended it further to July 5.

As part of our process, we are trying to ensure that we meet the requirements of the B.C. Court of Appeal to continue on with our process to ensure that those who have been discriminated against will no longer be discriminated against under the new provision under Bill C-3.

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, the member for Medicine Hat sat on the committee for Indian Affairs and Northern Development and we listened to witnesses for a considerable length of time on Bill C-3. What we heard were contradictory positions and a lack of consensus. People were reluctant to express points of view in terms of possible amendments to the bill because of their concern regarding unintended consequences. We also heard that unaddressed issues will flow from Bill C-3. We have been very straightforward about that, which is why we are launching the exploratory process.

My question is very straightforward. How many new eligibilities will there be across the country as a consequence of the passage of the bill, and what are the consequences of not having Bill C-3 in place?

Mr. LaVar Payne: Mr. Speaker, it is important that we get this bill passed. As my colleague said, a number of individuals who would be eligible at this point in time have been identified. As an estimate, about 45,000 people would be eligible for registration under the Indian Act.

If we do not put this process and this bill in place, these people will not be eligible. In particular, there will be no new registrations allowed in the province of British Columbia. It is an important process that we are following to get the bill passed.

Second, it is important to note that, in the exploratory process that we talked about, a number of first nations organizations were involved in the early part of it and will continue to be involved in the exploratory process to talk about the various items of registration and citizenship. It is important that we continue on with that process because it allows individuals an opportunity to get these various questions out there in terms of registration, citizenship and belonging to first nations.

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, I am proud to speak in favour of the motion put before this House by the hon. member for Nanaimo—Cowichan. I thank her for taking the opportunity to do that and for giving us an opportunity to debate an issue during what really is an historic time not only within the House but within our committee and the country.

Significant changes to the Indian Act do not happen often. The last time that such significant amendments were being debated was in 1985, 25 years ago. Those particular amendments came about because of huge and momentous court battles and struggles before the United Nations by some very courageous women, women like Corbiere-Lavell, who is now the president of the Native Women's Association of Canada, and Sandra Lovelace, who is now a senator.

Subsequent to 1985, another 25 year legal battle took place to once and for all get rid of sex discrimination within the Indian Act. We as parliamentarians are at an historic crossroads where we have an opportunity, once and for all, to rid the very archaic and parochial Indian Act of all sex discrimination.

This motion says that we should instruct the committee to allow the committee to go beyond the scope of the bill to make significant amendments. Why would we do this? We would do it because every witness who appeared before committee said that there would be residual discrimination. Government witnesses tacitly said that this was so. They never explicitly said so, but there was a tacit assumption on the part of even the government's own witnesses, such as lawyers from the Department of Justice and those who work within the Department of Indian Affairs, that there would be residual discrimination.

Beyond those particular witnesses, national organizations, such as the Assembly of First Nations, the Congress of Aboriginal Peoples, the Native Women's Association of Canada and the National Association of Friendship Centres, put forward possible amendments to the bill at committee and encouraged us to once and for all get rid of sex discrimination. Each of them in their submissions said that there would be ongoing sex discrimination under the Indian Act.

Routine Proceedings

Regional organizations, such as the Union of B.C. Indian Chiefs, the Assembly of First Nations of Quebec and the Quebec Native Women Inc., also made presentations. I will go through some of their specific comments as we debate this in the House.

Legal organizations also came before us, such as the Canadian Bar Association, which represents over 30,000 legal minds in this country, and the Bureau du Québec. These organizations also said that there would be ongoing residual discrimination.

We also heard from individuals, experts, people with their doctorates in the Indian Act and people like Pam Palmater, who came with not only a professional opinion but one also imbued from her studies and from what she had learned throughout her time and in her own family. She brought a personal experience to this issue and she said that there would be residual discrimination.

The person who has waged battle for equality for the last 25 years, Sharon McIvor, came before committee and said that even with Bill C-3, even with what the government has presented to this House and what we are now debating in committee, there will be no true equality under the Indian Act for her and her grandchildren as compared to those in the male line. She also said that there will be continuing gender discrimination.

● (1135)

With all of that evidence in front of the government, why would it want to continue sex discrimination? Why would it not want to now take the opportunity to rid the Indian Act of gender inequality? Why would we as parliamentarians not rise to the task to end gender inequality when we see it and when we know it exists by virtually everyone's admission? The government sometimes talks a good talk about gender equality for women but we do not see it walk the walk. We do not see it step up to the plate.

I will go through what some of the witnesses told us, sometimes through written submissions. I will quote the Women's Legal Education and Action Fund because it lists out three specific examples where gender discrimination will continue to exist, even with Bill C-3. It said, "Aboriginal women and their descendants who regain status under Bill C-3 are not entitled to equal status with their male counterparts. Descendants of women born before 1951 will not be entitled to status, whereas descendants of men born before 1951 are entitled to status. Descendants of women in common-law or other non-marital unions with non-status men are not entitled to status".

It goes on to say, "Bill C-3 does not address the existing Indian Act policy, pursuant to which all cases of unconfirmed paternity are presumed to be non-status. In response to Bill C-3, individual aboriginal women, aboriginal women's organizations, aboriginal governments and chiefs, including the Assembly of First Nations and legal experts, have demanded the eradication of all sex discrimination under the Indian Act".

It emphasized the point right in B.C. where some of the members opposite like to say that this will have the greatest impact because the B.C. Court of Appeal did apply specifically to the Province of B.C., but the proposes amendments under Bill C-3 would apply across the country.

The Union of British Columbia Indian Chiefs, when it appeared before the committee, said that Bill C-3, Canada's response to the B.C. Court of Appeal decision in *McIvor v. Canada*, was a limited approach which continues discrimination under the Indian Act against indigenous women and their descendants. It went on to say that we should make a number of amendments to eradicate sex discrimination and gender discrimination from the Indian Act, and it lists them.

The Congress of Aboriginal Peoples, a national organization, also came to the committee and admitted that there would still be gender discrimination under the Indian Act. It said that it wanted to make some changes. One of them was that, as an interim measure, Canada should amend section 6.1(a) of the Indian Act to include the following words, "Or was born prior to April 17, 1985 and was a direct descendant of such a person to Section 61(a) of the Indian Act".

That is not in Bill C-3. That is in direct contrast to what is in Bill C-3. This would broaden it and get rid of many forms of discrimination. Of course, there were others dealing with other issues, but it was the Congress of Aboriginal Peoples that made that particular submission.

Members of the Quebec Native Women Inc. came to us and said that while they recognized the need to amend the archaic nature of the Indian Act, which is of itself discriminatory, they deplore the restrictive vision of the federal government focusing solely on a patchwork remedy to the specific problem of discrimination brought to light in the *McIvor* case. They went on to say:

This is a missed opportunity for the Government of Canada to finally eradicate the historical and institutionalized forms of discrimination that Aboriginal women and their descendants have been subjected to under the Indian Act since 1876. The Government's proposal to amend the Indian Act will indeed cause further destructive divisions within families.

● (1140)

I mentioned earlier that individuals came before the committee presenting testimony. One was Pam Palmater who has a unique family situation with various parentage for various kids within her family and she outlined it to the committee. Under Bill C-3 they would be treated differently. There will be different status for different children just because their grandmother was a woman. They do not come from a paternal line, but from a maternal line, and she outlined that very clearly. She also wrote to the committee. She was quite succinct, but this is how she summed it up:

Canada has introduced a minimalist amendment to the Act and is seeking to deny compensation to those Indian women and their descendants who were wrongfully denied their identities,—

She went on to say:

The Court of Appeal in *McIvor* found the discrimination to be newly created in 1985 and not prior to the coming into force of the Charter.

Routine Proceedings

So she is also bringing in the issue of the charter that came into force after Bill C-31 and the type of remedy that would be available to people admitting that there was discrimination between 1985 and the present.

She said and I am paraphrasing, to not once and for all get rid of the discrimination is to perpetuate the very negative stereotypes against Indian women that McIvor and others fought against, that they are less worthy, less aboriginal and less able to transmit their aboriginality to their children simply by virtue of being aboriginal women.

She went on to make a further argument that they must be allowed the opportunity to bring forward a charter challenge based on the discrimination that existed since 1985 to the present even with Bill C-3 brought in because we know there will be residual forms of discrimination.

Then we had presentations by the Canadian Bar Association. It has a section entitled "Continuing Discrimination". It said:

Unfortunately, Bill C-3 would not completely eliminate discrimination from the registration provisions of the Indian Act. The proposals do not address discriminatory aspects of the "second generation cut-off rule" enacted in 1985, which the parties and the court studiously avoided in the McIvor case. Perhaps more important, Bill C-3 would not sufficiently address the source of discrimination identified by the BC Court of Appeal; sections 6(1)(a) and 6(1)(c) violate the Charter to the extent that they grant individuals to whom the "Double Mother Rule" applied greater rights than they would have had under the former legislation.

I have only taken excerpts from certain presentations by witnesses that were made before the aboriginal affairs committee, but I believe this whole debate comes down to the motion. Why not allow the committee to have its scope broadened on the bill and to allow us to make the amendments?

There are probably going to be amendments introduced even later today in committee and someone will rule whether they are in order or they are not in order. We will vote subsequently to that, but why not give the committee the opportunity and the latitude to introduce amendments based on what witnesses have brought before the committee to once and for all end gender discrimination? Why would the government not want that to happen?

I understand that this motion, brought before the House, will give the committee more latitude, more of a breadth of opportunity to make amendments that bring gender equality to all aboriginal women when it comes to provisions of the Indian Act.

Why would the government want to deny us that simple opportunity? Then we can take the time in committee to propose those amendments and once and for all get rid of gender discrimination. Why would the government want to perpetuate gender discrimination when it has the opportunity to eradicate it?

• (1145)

In 2010 we have as parliamentarians, almost at any age I suppose, these opportunities and we should take them and not deny them.

This is all we are asking the government to do. We think it is a sensible approach. The government talks about its extension from the B.C. Court of Appeal where the court granted one year and now it is going until the first week in July. The B.C. Court of Appeal said in its decision that if the government wanted more time, because it

knows how significant these issues are and how complex they can be, it would have granted that time to the government.

However, the government talks about the deadline, but when its lawyers come before the committee, the government admits that it really did not have any legal obligation to even bring in Bill C-3. If Bill C-3 falls, who says it will bring in another bill.

If the government is true to its words, true to what it says, it will eliminate gender discrimination. But if Bill C-3 fails, I would ask the government, is it going to bring in another bill to deal with all of the sex discrimination that exists under the Indian Act? If it will not, why would it not? If it has taken the opportunity and made all these arguments about Bill C-3, I would think that the government would live up to its own rhetoric and bring in another bill in a very quick timeframe to deal with the residual discrimination.

It cannot use all of the arguments and rationale for bringing in Bill C-3, then have it fail and say it is not going to bring in another bill. I do not think the government can have it both ways.

I would say to the aboriginal caucus members of the Conservative Party of Canada to fight within their party for the change that is required. They should fight within their party to ensure that the committee can do its work today and for the aboriginal women who have fought so hard for many generations, or else what is an aboriginal committee or a caucus for if they do not fight those battles within their own party.

This is a historic time. It is an opportunity for us all to join together as parliamentarians and end gender discrimination and sex discrimination under the Indian Act once and for all. There is nothing that stands in our way. The House has been given an opportunity to vote on the motion that will allow the committee to do its work and the committee to respond to the witnesses that came before us. If we cannot respond to the witnesses who come before us in committee, what is the use of committees?

We hear witnesses because they are supposed to be able to influence us to make the appropriate changes. There has been unanimity from witnesses who came before us to make changes to end gender discrimination. Why would we not allow the committee the opportunity to do just that?

I am glad to speak to this motion. I invite questions. In speaking here today I want to honour those like Sharon McIvor and other women who have stood with her and indeed many Canadians who have stood with her for the last 25 years to once and for all get rid of gender discrimination. It is the right thing to do.

• (1150)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Mr. Speaker, I appreciated the comments and the speech that my colleague just made, given the fact that this discrimination has gone on for years and years even under the Liberal government.

Routine Proceedings

I attended the aboriginal committee dealing with this issue. I heard very clearly from Sharon McIvor that the bill continues to discriminate against women. I also heard that there was an opportunity for the government to ask for more time when the decision was made and the government basically refused. It asked for more time, which was granted, but very little. There needs to be more time for consultation. I am sure the member will agree with this.

We heard from our colleague from Medicine Hat a while ago with respect to how many Canadians this would benefit. I am wondering if my colleague has an estimate as to how many Canadians this will still not benefit. And if he is in agreement with me, with respect to the fact that at committee the Conservative government of the day did hear that this continues to be discrimination against women? Is the member in agreement that the government members certainly heard that loud and clear?

• (1155)

Mr. Todd Russell: Mr. Speaker, there is always this shot, “You were in government”. I do not care what government was in place, quite frankly. No government has the right to perpetuate discrimination. One may want to take a shot, but that is fine because I will never stand for it, if I can help it, at all. I do not care if it was a Liberal government, a Conservative government or a provincial NDP government. It makes no difference. If we see there is discrimination, we have an obligation to try to eradicate it.

We are all sometimes presented with these opportunities and at times are judged by not meeting the challenge that has been presented. I would hate to think, with the opportunity we have now, that we will not rise to the challenge. Maybe we all will have an opportunity to vote on Bill C-3 and we will see where we stand.

The government estimates that those who may be eligible to register is 45,000, but if this particular bill does not go through, it only affects the people in B.C. where certain provisions of the Indian Act have been struck down. Some estimate that could be up to 3,000 a year, although other experts say that the number impacted would be far less than that because there would still be provisions under the Indian Act by which they could register.

There are also arguments that many who are eligible to register, because of the amendments in 1985, have done so in the last 25 years. The essential point is how do we once and for all eradicate the Indian Act of sex discrimination.

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, having listened to the hon. member's comments on the motion before the House today, I want to ask him to consider the balance that the committee has to deal with.

On one hand, we have the imperative of House procedure, which requires us to work within the scope that the House has referred the bill to committee. On the other hand, we have the urgency of moving forward on a bill that would in fact reinstate the registration provisions of the Indian Act, which would allow, as was suggested here, some 45,000 potential registrants, waiting at the bay, to achieve status. Those people are waiting.

Would he not agree and could he not consider that Bill C-3 is in fact an interim step? It is a step in the right direction of moving us to

where we need to go and that is exactly what this exploratory process that has been committed to by the government will give us. Bill C-3 is by no means a be-all and end-all in terms of addressing all of the issues that the witnesses advanced in committee.

I put it to the member. Aside from his comments, would he not consider that there is some urgency in getting this bill passed even though it recognizes there are still some issues to deal with?

Mr. Todd Russell: Mr. Speaker, I appreciate my colleague's comments, but if there was an urgency on the part of the government, it would not have prorogued the House for two months in January. If there was an urgency, this could have been dealt with in a much shorter time span. If there is an urgency, I would think the urgency is to eradicate the Indian Act of all sex discrimination.

The House, which sent a bill to committee within a particular scope, now has the ability, if the government so chooses, to allow a vote on this motion. It now has the ability to broaden that scope and allow the committee to do its work. When it comes to the 45,000 potential registrants, the member is quite aware that it is not 45,000 at the gate, as he would say. This is an individual decision by people on whether to choose to register.

We have not been satisfied that the government has its house in order to ensure that all of those potential registrants will have adequate information and, indeed, that the system can move their applications through in a timely fashion. Many people say now that it is going to take years and years, after a person who makes application to the registrar, for it to go through. There are many dynamics here.

All of these needs can be met if the government would co-operate, allow the committee to do its work, and allow substantive amendments to the bill. All of this could be accomplished within a fairly decent timeframe. All interests would be respected and all would be winners.

• (1200)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened closely to my colleague's remarks. I have a question for him, but I want to preface it.

A committee's job is to make sure that a bill respects the will of Parliament. Unfortunately, Bill C-3, as written, only reflects a single British Columbia Court of Appeal ruling that dealt with one specific issue: can Ms. McIvor and her grandchildren—her grandson—be recognized and registered as Indians?

In reviewing Bill C-3, we realized that it did not go far enough and did not solve the problem of discrimination against women. I will come back to that in a few minutes when it is my turn to speak to my colleague's motion.

In the member for Labrador's opinion, if we do nothing more than pass Bill C-3, how many aboriginal women will experience the same kind of discrimination over the coming years?

*Routine Proceedings**[English]*

Mr. Todd Russell: Mr. Speaker, my colleague has certainly spoken passionately in this House before on these issues and before committee.

No doubt that when we looked at Bill C-3, there were doubts as to whether it would resolve all aspects of gender discrimination. Certainly our fears were brought to light. All of the witnesses said that there would be continuing discrimination. I tend to agree with the witnesses, legal experts, individuals and aboriginal organizations, who came before us.

One thing that quickly came to all of us once we examined the bill even from a preliminary perspective was that the Conservative government had taken pains to very deliberately scope this bill in the narrowest possible terms. It seems to me that this was a very conscious decision to scope it very narrowly so that it would apply to the bare minimum that it had to apply to. There was nothing stopping the government from scoping this bill in a much broader way, in being more inclusive and to once and for all get rid of the sex discrimination. There was nothing stopping the government from making that choice. Instead the government chose to scope it very narrowly and we are left with the dilemma that we are trying to resolve here today and in committee.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I am pleased to speak in the House about the motion by the hon. member for Nanaimo—Cowichan.

I quite enjoy working with the hon. member on the Standing Committee on Aboriginal Affairs and Northern Development. When she decided to move this motion, she was well aware, as were we, that the bill does not go as far as aboriginal women want.

If I may, I would like to give a bit of background. British Columbia's Court of Appeal handed down a judgment last year. This ruling gave the Government of Canada one year to remove the discriminatory provision that kept Sharon McIvor from registering her grandsons as Indians. For the benefit of those listening, there is no law in Canada that is more discriminatory than the Indian Act. This law upholds a completely unacceptable form of discrimination against aboriginal women.

To make things perfectly clear, when someone is born, they are registered in a church or with the civil registrar, and this person obtains rights at birth. It is quite amazing that under the Indian Act, an Indian can lose his or her rights at birth. Allow me to explain. If an aboriginal woman marries a white man, this woman's children lose their rights at birth. But when an aboriginal man, an Indian, marries a white woman, his children have the rights set out in the Indian Act. That summarizes a very complex debate. This discrimination has existed since 1876.

In 1951, the Indian Act set out some parameters and two subsections were included, notably subsections 6(1) and 6(2). Under these two subsections, an Indian can be registered or given status at birth. That makes no sense. The current law treats women so unequally that I am surprised we are still debating it in Canada in 2010.

That is exactly what happened in the present case. It took a certain woman to wake up one day and say "enough is enough", and decide to go to court to assert her rights. That woman was Sharon McIvor and that is what she did in 1985, because in 1981 the Liberal government of the day had introduced the famous Bill C-31, which was passed and which perpetuated the discrimination. Although it eliminated part of it, it maintained other aspects of the discrimination.

It is quite remarkable, because under the Indian Act, each Indian child that is born must be registered as an Indian in order to have the right to live or continue to live as an Indian.

● (1205)

What is quite remarkable is that the government has given itself the right to decide whether to register an Indian boy or girl. In the matter before us, Indian girls have far fewer rights than Indian boys when they are born. That is precisely how things work right now and how they will remain if Bill C-3, which was examined in committee, passes in its current form.

Under subsection 7(1) of the Indian Act, it is up to the government to decide whether an individual, male or female, is an Indian and whether that person is entitled to that status, as set out in subsections 6(1) and 6(2). Those two subsections in the Indian Act are discriminatory and this discrimination has been perpetuated for 25 years.

Thanks to the court challenges program, Ms. McIvor received the financial support she needed to take her case to court and stand up for herself. She won recognition that she had the right to register her grandchildren, both her grandson and granddaughter. What is quite remarkable is that if not for the court challenges program—Ms. McIvor was one of the last people to use it—we probably never would have been debating this issue, for it is very complicated.

Lawyers for Ms. McIvor told the committee that they had studied the matter for 12 to 24 months in order to mount a defence before the courts. This case has been in the courts since 1985 and has moved through all levels, from the British Columbia Supreme Court to the British Columbia Court of Appeal, which handed down a decision last year.

When a court rules on an issue, it rules only on that issue. It cannot address anything other than the issue brought before it, at the risk of having its decision overturned by the provincial court of appeal or supreme court because it went too far.

The court was asked whether Ms. McIvor could pass on Indian status to her grandchildren. The answer is very limited. You have to read the decision and I do not believe that my Conservative friends have done so. The government did not read the decision before introducing Bill C-3. Had they read it carefully, they would have realized that the judge said, in short, that he did not believe that the discrimination complained of by Ms. McIvor would be perpetuated for other aboriginal women, but that he was not called on to settle the matter, which is a political one.

Routine Proceedings

As far as I know, in this place, we are in the business of politics. The matter has arrived in the House. How did it get here? The government did not have a choice. It promised to introduce a bill to amend the Indian Act to eliminate the type of discrimination that Ms. McIvor suffered. The government says that it is required only to introduce a bill to that end. By introducing a bill that deals solely with that issue, the government has taken a very narrow view.

● (1210)

Since the committee is examining the bill, it has asked witnesses to testify. Every single one of the witnesses told us the same thing: if we are going to do it, we must do it right. This means that if we are trying to deal with and resolve the issue of discrimination, we must solve this problem once and for all.

This issue affects aboriginal women across Canada. If this bill is passed as is, these women will continue to be the victims of discrimination and will have to go before the courts. They will also not have access to the court challenges program, so that they can be on equal footing with the government. The government is both judge and judged here. It does not want to solve this problem, and that is clear.

Why not? Because there would be too many status Indians. Bluntly put, the sole purpose of the Indian Act was to assimilate all aboriginals. Is that clear enough? That is what it was for. All you have to do is deprive women of their rights. As far as I know, unless something has changed recently, it is still women who give birth to children, and it is through women that values and Indian status are transmitted. Therefore, it is through women that the right to Indian status can be taken away, and that the problem can slowly be solved. Solving the problem means assimilating aboriginals. That is what the Indian Act was for, and it still is today.

It is 2010 and the situation has not changed. Bill C-3 does not solve the problem. That is what the Native Women's Association of Canada and Femmes Autochtones du Québec told us. The Canadian Bar Association and lawyers' associations from across Canada came to talk to us, and so did aboriginal chiefs. Last week, we heard from Saskatchewan, Ontario, Quebec, the Maritimes, Alberta and British Columbia. Everyone had the same thing to say, and that is that Bill C-3 would not solve the problem.

Our position is that if we are going to solve the problem, we should solve it for good. We need to eliminate the discrimination that exists, and to do that, we have to go further than the bill requires. That is exactly what the Court of Appeal for British Columbia told us. It said we should do our jobs as politicians and eliminate the discrimination while we were at it. The bill has to go further and eliminate once and for all the discrimination aboriginal women face.

But the government says that there will be far too many Indians, that the Indian population is expected to increase by 40,000 to 45,000 with Bill C-3, that this makes no sense, that there are already far too many Indians, that it will cost far too much and that assimilation is the answer. That is what we must speak out against in the House.

In a roundabout way, the government is trying to avoid facing up to its responsibilities, which would mean recognizing aboriginal peoples. The government must recognize that aboriginal nations

have the right to exist, and it must give them the means to continue to exist. That is what scares it the most. I have a binder here, but we have notes and documents. We have everything we need to solve the problem once and for all.

● (1215)

Even departmental officials who appeared before us are saying that Bill C-3 will not solve the problem. It is true that this will cost more. We have to be honest. It is quite clear that if we allow the amendments to be made to this bill, more Indians will be registered in Canada.

What is wrong with that? It is high time we recognized that these aboriginals have the right to live. Our country does not like discrimination, or so it seems. Our country is democratic. Canada boasts about being a country where discrimination does not exist. Canada is one of the few countries that keeps its aboriginals, its first nations in an unprecedented state of dependence and discrimination. That is the problem and it will only perpetuate if we do not do our job.

Now we are being criticized for doing our job too well. It would be easy to pass Bill C-3 as is and resolve a small problem, but this small problem will persist. We are resolving the problem in British Columbia with Bill C-3, but that is all we are doing. Some 14 similar cases are pending in Quebec, Ontario, Alberta and Saskatchewan. The problem will certainly resurface if we do not deal with it once and for all.

All the witnesses, including the Waban-Aki and Odanak people, have said the same thing. Aboriginal women have told us that they have been receiving all sorts of requests and that they were going to set out on a mission and continue to fight.

I hope that first nations people have the right to live in this country without fear of assimilation. What is going to happen? It is very clear that the purpose of this bill is to keep discrimination in place and work toward one single goal: the assimilation of first peoples. That is unacceptable.

We figured that as long as we were doing the work, we should do it properly, so that is exactly what we did. This afternoon, we will present amendments to bring the bill into line with what the first nations people who came before us want. Every single witness we heard from expected us to do our job.

Bill C-3 talks about an exploratory process. I have never seen a bigger pack of lies. The government says that it launched an exploratory process, but what is there to explore? We already know what the problem is.

Once we pass Bill C-3, we will still have to review the whole band council process for registering aboriginals who want to be registered by their band council.

Routine Proceedings

I want to make one final point for those listening. Some of us are doing our jobs properly. We are doing what all of the people who spoke to the committee want us to do. The government needs to understand that it must comply. It does not have a choice. If it does not do what this country's first peoples want it to do, the battle will go on. While people are fighting just to be recognized as aboriginals, they will not be addressing drug and housing problems, not to mention all of the other issues that first peoples are struggling with.

• (1220)

That is why we have to take this as far as first nations have asked us to and eliminate the discrimination in the Indian Act once and for all.

[English]

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Madam Speaker, I listened with interest to my colleague from the Bloc on the aboriginal affairs committee. Once again I am rather interested in the difference between the behaviour, statements and performance of members on that committee during committee proceedings and when we move those proceedings into the House of Commons.

However, there is this description that the member for Abitibi—Témiscamingue has portrayed here of unanimity and consensus among the witnesses who have come before the committee. That is simply not true.

The B.C. Supreme Court took a long time to look at this issue because they recognized that there are a lot of things to balance. One of the things to balance is that when a change is made, there are impacts to people who have been living under the current regime in terms of the Indian Act and its provisions. When I talked to the representatives of the Assembly of First Nations, this is one of the reasons they are looking at the exploratory process in a way that will look at registration, citizenship and membership issues. It will take a lengthy period of time to do that, and it will be a lot more comprehensive than anything that this committee could ever pretend to do. There are lots of outstanding issues.

I would like to hear the comments from the member for Abitibi—Témiscamingue in terms of describing this in quite a different fashion.

• (1225)

[Translation]

Mr. Marc Lemay: Madam Speaker, I would like to invite the hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development to reread the speech I gave in the House when Bill C-3 was first introduced. I had said that we would study it in committee and that we would determine what could be done. I also said that we would support Bill C-3 so that it would be sent to committee, and then we would determine how it could be adapted to the situation in 2010. And that is exactly what we did.

I have nothing against the exploratory process that the parliamentary secretary is talking about to look at how a band council establishes rules for admitting members into its community. However, the exploratory process would work better once the current discrimination is eliminated from the Indian Act. Neither my

colleague nor I are wrong, it is just that we are talking about different provisions.

We need to eliminate the discrimination contained in section 6 once and for all. This discrimination will continue to exist if we do not act. And then we can talk about the exploratory process. First nations should sit down and discuss their idea of a band, how they admit members to their community and who is part of that community. We cannot do it the other way around.

With all due respect for my colleague, if we do not resolve the issue of discrimination, it will not go away. They can do what they want, but nothing will have been resolved, and I would bet the parliamentary secretary anything that the exploratory process will be doomed from the outset.

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I want to thank the members for Abitibi—Témiscamingue and Labrador for their excellent speeches regarding Bill C-3.

I want to ask a question dealing with the government's motivation for acting the way it is at committee. I think the last member who spoke got into that a little bit.

The question is, why would a government not seize the opportunity to deal with the whole area of discrimination, rather than focusing the bill on just the very minimum that it has to as a result of the court decision? It seems to me, as several members have mentioned already, that this issue is going to be around and is going to come back 10 or 20 years from now, and we are going to have deal with it then anyway, so why not deal with this issue properly and correctly in the initial period that we are in right now, while it is before committee?

We have heard from the witnesses. We know what the witnesses have said. Why do we not deal with this correctly today?

[Translation]

Mr. Marc Lemay: Madam Speaker, my colleague is absolutely right. My response would be different if those before us had responded differently. I will draw a parallel quickly. When we wanted to abolish section 67 of the Indian Act on the possibility of going before the Human Rights Commission, this did not apply to Indians living on reserve. The government introduced a bill with one clause. By the time the committee was through with it, the bill had a dozen or so clauses and that is precisely what the first nations wanted.

Today, the first nations are telling us exactly the same thing about discrimination. They are saying that this is a can of worms, and that we must resolve this issue once and for all. They do not want to come before Parliament every 10 or 15 years for a new amendment.

I can understand the government sitting down and saying that it will only do what the British Columbia Court of Appeal has asked it to do. But the first nations are wondering what the government is here for. It is here for the first nations. They are asking us to put an end to this discrimination once and for all. That is what we want to do.

• (1230)

[English]

Mr. Todd Russell (Labrador, Lib.): Madam Speaker, I want to thank my colleague from Abitibi—Témiscamingue for his speech and for the passion with which he relayed his words to us.

I want to ask him this very clearly and I want to put it in a bit of context. When the B.C. Court of Appeal made its ruling, it struck down two subsections of section 6 of the Indian Act, basically saying they did not comply with the charter, but it made a point of saying that it is not up to the court to provide the remedy. The remedy must come from the government and from the legislature.

It did not seem as if there were any parameters put upon the government in terms of its legislative approach to remedying the situation. The court did not limit the government. Timelines could have been adjusted. The bill could have been written to deal with all of the sex discrimination. Even at this point, when we are a little hamstrung, the government now still has the ability to vote for this motion to allow us the flexibility at committee to bring in the proper amendments. There was nothing limiting the government, only its own motivations.

Would the member agree with that particular analysis? Why would the government, realizing it was continuing sex discrimination, make a choice to perpetuate it? I do not understand, basically, the government's approach to perpetuating sex discrimination, so I would like his comment on that.

[Translation]

Mr. Marc Lemay: Madam Speaker, I thank my hon. colleague from Labrador. I totally agree with him. That is exactly it. I would not go so far as to call today a historic day, but it is an extremely important day.

Will we perpetuate the discrimination that exists? The worst part is that this discriminates against women, not men. It is unacceptable. Furthermore, this systemic discrimination will continue against aboriginal women.

She had the misfortune of being born a girl and then marrying a white man. She loses all her rights and so do her 10 children. That is what is unacceptable. That is what the British Columbia Court of Appeal is telling us to fix. That court said it could not fix the situation, that its role was strictly to rule on the question referred to it. It cannot fix this problem, but it indicated that we as politicians have the power to fix it and that we should seriously consider doing so. That is precisely what we are doing and that is our objective: to put an end once and for all to the unacceptable discrimination found in the Indian Act.

[English]

Ms. Megan Leslie (Halifax, NDP): Madam Speaker, I am proud to speak to the motion put forward by the hon. member for Nanaimo—Cowichan to expand the scope of Bill C-3 so that a grandchild born before 1985 with a female grandparent would receive the same entitlement to status as a grandchild of a male grandparent born in the same period.

There are a few problems with Bill C-3. For example, it attempts in section 9 to take away the right to sue. It is a bit problematic.

Routine Proceedings

Some witnesses came forward and said we really need to look at this section again.

Quite a number of witnesses are concerned about the fact that there may not be resources to process applications in a timely way. We saw that when Bill C-31 was enacted. That is another area where there is a bit of a problem, and we need to look at it.

The motion we are speaking to deals directly with the fact that under Bill C-3 there is still gender discrimination, despite the government's attempt to address gender discrimination as a response to the McIvor decision. The Assembly of First Nations made a good comment specifically about this. It said that this legislation would defer discrimination to one or two generations later. It would entrench differential treatment of women.

The AFN is also concerned with other problems, like increased financial pressure, the creation of divisions within some communities and families, and declining status.

Let me get back to the motion before us. The AFN has been very clear that Bill C-3 would not adequately deal with the differential treatment of women.

Permit me to give the House a quick overview of this situation.

This stems from a case that Sharon McIvor brought forward. Ms. McIvor was born in 1948 and was not a registered Indian. She married a non-Indian in 1970. Ms. McIvor did not believe she was entitled to status under the Indian Act, but regardless she would have lost her right to status under the Indian Act when she married a non-Indian.

When Bill C-31 came into force in 1985, Ms. McIvor applied for Indian status on behalf of herself and her children. This was an incredibly long process, but after many years she obtained Indian status. But her son Jacob Grismer was not able to pass his status on to his children because his wife was not a status Indian. Mr. Grismer and Ms. McIvor challenged the 1985 amendments to the Indian Act on the basis that the status provisions contained residual discrimination based on sex. They won their case at the B.C. Court of Appeal.

Even though they won their case, we still find ourselves standing here in the House of Commons debating what is essentially the same issue, residual discrimination based on sex.

Let us look at the government's response to the McIvor decision.

A really good presentation was done at committee by the Canadian Bar Association. It encapsulated the government's response.

The federal government scheduled several sessions with national and regional aboriginal organizations. It accepted written comments prior to the introduction of Bill C-3.

Routine Proceedings

The government has now come up with this bill. There are quite few pieces, but the main amendment proposes the addition of section 6.1(c.1) to the Indian Act. It would provide status to any individual whose mother lost Indian status upon marrying a non-Indian man, whose father is a non-Indian, who was born after the mother lost Indian status before April 17, 1985 unless the individual's parents married each other prior to that date, and who had a child with a non-Indian on or after September 4, 1951.

The CBA pointed out, and it is a bit puzzling, that a woman would have to have a child for this to be triggered. It seems there is a bit of discrimination here based on family status because a woman would actually have to have a child to fall under this section of the act. This is a bit odd to say the least.

● (1235)

To look at what this actually does and what this actually means, we can go back to the CBA brief. It put together an excellent chart. Conceptually, this might be a hard thing to think about and navigate in the mind to understand what this means in reality. But it is not actually rocket science. It is pretty clear if we can wrap our heads around the concepts.

The CBA has put together this beautiful chart listing this proposed amendment by Bill C-3. It has two examples: Sharon McIvor, married to a non-Indian man, and a hypothetical brother who is married to a non-Indian woman. If we follow this chart down and see what happens to their children and grandchildren and whether or not they have status, with these changes proposed in Bill C-3, the bulk of the situations would be actually the same. That is great. There would not be any discrimination.

Her son, married to a non-Indian woman, has status. The son of the hypothetical brother married to a non-Indian woman has status. That is great. They are all on par there. Sharon's grandchild, born after 1985, has status. That is great. The hypothetical brother's grandchild, born after 1985, has status. Again, everything is on the up and up.

This is where it comes a bit off the rails. For Sharon McIvor's grandchild, born before 1985, there is no status and therefore continuing discrimination. However, the hypothetical brother has a grandchild born before 1985 too and that grandchild has status. We are not talking about strange, adverse effects, discrimination that is hard to figure out or differential impact. We are not talking about hidden discrimination. This is overt. If we follow the lineage, the grandchild of the brother gets status while the grandchild of the sister does not. It is pretty straightforward if we think about it that way.

I would like to read from a submission of the Grand Council of the Waban-Aki Nation. They put together a great submission about the siblings rule and give a different situation. We have Sharon McIvor, and they talk about a woman named Susan Yantha. Susan Yantha was born in 1954 from a common-law union between Clément O'bumsawin, an Abenaki affiliated with the community of Odanak, and Anita Paradis, a non-Indian. At the time of Susan's birth, the Indian registration rules did not allow for the registration of "illegitimate" daughters of an Indian father and a non-Indian mother.

At the beginning of the 1970s, Susan married a non-Indian with whom she had a daughter, Tammy. Born from non-status parents,

Tammy obviously had no right to be registered in the Indian register at the time of her birth.

In 1985, the federal government adopted Bill C-31 in a stated effort to eliminate discriminatory registration rules from the Indian Act. Pursuant to the new rules, Susan only had a right to section 6(2) "non-transmissible status" because she only had one Indian parent, her father. As a result, her daughter Tammy had no right to be registered. It goes without saying that Tammy's daughter, now aged four, has no right to be registered either.

Let us compare Susan's situation and that of her descendants to that of a hypothetical brother of hers, born in the same circumstances, and the situation of his descendants. That brother, whom we will call Arthur, would have had the right to be registered at the time of his birth. While the Indian registration rules did not allow for the registration of "illegitimate" daughters of an Indian father and non-Indian mother, they did allow for the registration of their "illegitimate" sons.

If Arthur had married a non-Indian, as Susan did, his wife would have acquired Indian status by marriage. Had Arthur and his wife had a child at the same time as Tammy was born, that child would have had the right to Indian status as a legitimate child of a status male, but would have lost that status upon reaching the age of 21 years because of the double mother rule.

With Bill C-31, Arthur, his wife and their child would have each been conferred transmissible 6(1) status in 1985, the goal of Bill C-31 being also to preserve the "vested" rights of those who had Indian status at the time the new rules were introduced. As to Arthur's child, his status would have not only been preserved but also enhanced, since under the new rules he would have enjoyed status indefinitely, not only until the age of 21, and could have passed on his status.

● (1240)

As a result, the child of the child of Arthur, or Arthur's grandchild, would have the right to non-transmissible section 6(2) status. This blatantly discriminatory treatment was described by the Minister of Indian Affairs in a letter written to Susan Yantha in 2002. As I said, that was a submission of the Grand Council of the Waban-Aki Nation.

It is pretty obvious there is discrimination. Also, to be blunt, it is obvious there is a solution and it is right in front of us. There have not been changes to the Indian Act concerning this issue since 1985. This is the golden opportunity, in 2010, to make sure the act does not discriminate against any women who fall under the Indian Act. The solution that has been brought forward by government is so narrow in its scope that all it does is address the injustice in which Sharon McIvor found herself. What we are going to have to deal with 25 years from now is the injustice that the next Sharon McIvor in a different situation will have experienced.

Routine Proceedings

I would like to talk about solutions. My colleague from Labrador talked about how at committee witness after witness has come forward and has said that they know how to fix this. Witness after witness has said that there are some problems with funding and how to process applications and there is a problem with section 9, but at the very least, can we at least get the discrimination piece right?

There was a submission made by LEAF, the Women's Legal Education and Action Fund. It has followed this case through its entire history. It made a submission to committee. LEAF confirms its support for an amendment that will achieve the goal of eliminating all forms of discrimination against aboriginal women and their descendants. LEAF submits that the committee has the jurisdiction to propose amendments to the bill to achieve this end and believes the committee has jurisdiction because the bill is very broad in its scope. LEAF stated, "It is an act 'to promote gender equity in Indian registration' by 'responding' to the BCCA"—B.C. Court of Appeal—"decision in *McIvor*. The response by government can and should be comprehensive and should fully eradicate any vestige of inequality in the determination of Indian status".

That is pretty straightforward. LEAF does have a legal eye and calls into question whether or not the committee has the jurisdiction to deal with this issue. It is important that LEAF raised this. It says that if it does have the jurisdiction then this is what the committee should do, but of course, it talks as well about if there is not the jurisdiction. In the event that the committee determines it is beyond its scope to propose amendments to fully eliminate sex discrimination, LEAF submits that consistent with the submissions made by aboriginal women and their organizations, the bill should be withdrawn and a new bill which fully redresses the discrimination suffered by aboriginal women should be introduced.

I find that very interesting. I am in agreement with the idea that the committee does have the jurisdiction to amend it. We can amend, but if the committee finds it does not have that power, then why are we only responding to the very narrow situation in which Sharon *McIvor* found herself? Why are we waiting for the next court challenge to come down the pike to deal with the residual discrimination in the act?

On that note, Dr. Pamela Palmater, a Mi'kmaq woman from New Brunswick and also the chair of Ryerson University's study of indigenous governments made a submission to the committee. I would like to read part of her submission about the conclusion. She said:

Part of the problem with Bill C-3 is how to respect gender equality in practice and not just the law. Delayed equality is not full equality. Canada fought the *McIvor* case for over 20 years and now proposes a minimal amendment that would require another person like Sharon *McIvor* to spend another 25 years to seek gender equality on essentially the same facts. An undefined joint process that does not have a specific mandate, clear objectives or identified funding for widespread participation does not provide any real comfort that gender discrimination, or any discrimination, will be addressed any time soon.

• (1245)

On that point, we have heard from the parliamentary secretary several times about this process to which Ms. Palmater referred. There is nothing bad about this further exploration process. That is fabulous. Let us explore away. Let us come up with great ideas. Let us be visionary and think about the future.

We do not need to actually envision the future when it comes to this bill. We do not actually need to pull in the best ideas on how to make this bill better because they are already here. All of the best ideas were put forward in committee about how to actually address gender discrimination under this section of the Indian Act. It is stunning to me that we are not seizing this opportunity.

I had the pleasure of sitting in on committee either last week or two weeks ago when the Canadian Bar Association appeared. I read its recommendation. It even drafted the section for us on how we could make the bill better and stronger. Of course, when it made its submission and I saw the writing in black and white about how to change the act, I thought it was a great idea, that those CBA folks are pretty smart and thank goodness they came because now we are going to fix the bill. I certainly was wrong and I am surprised because I find it mind-boggling that we would not actually bring in that provision.

I want to read the end of Ms. Palmater's submission to the House:

Let's try to get it right this time - my children are counting on you to uphold Canada's commitment to gender equality and human rights both in the letter and in spirit.

That says a lot. Those are very heartfelt words from Ms. Palmater about what we need to do.

In conclusion, I strongly support this motion by the member for Nanaimo—Cowichan. I am thrilled she brought it forward and applaud her for doing so. It was the smart thing to do and the right thing to do. I am completely baffled as to why we are not actually implementing the recommendations.

As my colleague from Labrador said, every single person who came forward in committee said this has to change and we can seize the moment and address gender discrimination. We are not doing it and I stand here wondering why. I hope my colleague is successful in this motion.

• (1250)

Mr. Bruce Stanton (Simcoe North, CPC): Madam Speaker, I recall that the member spent one session in committee when we heard from witnesses on this important bill.

I would like to ask her to think about the question pertaining particularly to sections 6(1)(a) and 6(1)(c). These are provisions that were actually ruled by the B.C. Court of Appeal as being discriminatory and essentially were suspended for a year. The member will know we have an extra three months to correct that.

If those two sections are not reinstated in the Indian Act, as has been suggested through Bill C-3, it leaves the whole question of registration particularly in British Columbia, but it would also have ramifications for registration across the country insofar as there are other claims before the court. Presumably, if this is not corrected, it will accelerate some of the same claims in other jurisdictions across the country. It leaves a serious void.

Would the member not agree, notwithstanding some of the valid comments today in terms of the continuing issues and concerns with membership and registration, that we owe it to first nations at least to move forward with this legislation, cure this problem that the B.C. Court of Appeal has put in front of us and then move on to deal with the other issues through the exploratory process?

Routine Proceedings

Ms. Megan Leslie: Madam Speaker, I thank the member for his question. He is the chair of the committee and welcomed me warmly.

Yes, I agree. I get it; I know what this means. We were going to strike this down. The government needs to act. We need a new provision. That all makes complete sense to me. We need to act. I am in agreement with the member on that point, but here we go. Time me: “(c.2) that person is a child born after September 4, 1951 and before April 17, 1985 of a parent entitled to be registered under section 6(1)(c.1)”. Done, there it is. That is actually all we need to do to make this better.

I am all for an exploratory session on many of the things that need to change about the Indian Act, but if we are going to vote on Bill C-3, why can this piece not be in there to effectively address gender discrimination in the act? It is not onerous. It is not really time consuming. How long did that take me, 30 seconds?

We know what the answer is. I do not understand what is happening. It is to be stubborn and to have one's head in the sand not to see the opportunity to at least do this.

Note that we do not have a motion about section 9. Note that we do not have a motion about addressing the lack of funding that would be necessary to process applications. We do not have motions about those things. Let us have an exploratory process about those things. I do not even know if section 9 would stand up to a charter challenge, to be frank.

We are just talking about one simple tiny passage that could change everything and prevent what would be more injustice for women under the Indian Act and exacerbate the historical injustice they have already faced.

● (1255)

Mr. Bruce Stanton (Simcoe North, CPC): Madam Speaker, I rise in the House today to speak to the motion of the hon. member for Nanaimo—Cowichan who, I must say, makes a tremendous contribution to our committee work through her knowledge and experience that she lends each and every day that we are in committee.

Today we are dealing with a very complex question, as I am sure hon. members know. It is a question that has peaked our interest these last few weeks and has been an ongoing claim before the court, particularly from Ms. McIvor, but there are others as well who wish to address some of these provisions of the Indian Act that raise difficult questions relating to membership and registration.

Last month our government was proud to introduce Bill C-3, the gender equity in Indian registration act. The primary objective of the legislation is to remove a cause of gender discrimination under the act.

The second objective is to meet the deadline imposed upon Parliament in a ruling of the Court of Appeal of British Columbia. That is an important point because initially the court gave Parliament until April 6 to correct this. It ruled certain sections of the Indian Act invalid, discriminatory and having no effect, but allowed Parliament one year. It then understood, as we resumed the session early in March and that provided Parliament was getting to work on these

amendments, that it would see to it to give us an additional three months.

We all realize that there is a time limit and we need to get the bill through the House to at least address the critical issue that the Court of Appeal identified for us.

Rather than have its decision take effect right away, the court suspended the effects of the decision until this year and required us to enact effective legislation to solve the problem. The court has given us until July 5, but if we fail to meet this deadline, a key section of the Indian Act, which is the one that spells out the rules related to entitlement to registration, also known as Indian status, will cease to have legal effect in British Columbia.

This takes us right back to the question I just asked the hon. member for Halifax. The consequences are the area of question, the almost limbo that it would put the whole essence of registration in British Columbia, but it also calls into question the fact that paragraphs 6(1)(a) and 6(1)(c) that would be reinstated under Bill C-3, if they are not reinstated it would not take too long I would suspect before other decisions would come forward in other provinces that would throw those registration provisions into question. Should the two paragraphs of section 6 cease to have legal effect, it would lead to uncertainty and would produce a legislative gap that would prevent the registration of individuals associated with British Columbia bands.

In many ways, this is the crux of our approach to Bill C-3. It is essential that we respond as directed by the decision of the B.C. Court of Appeal and also that we implement this response, which is Bill C-3, with extremely tight timelines, as I have just described.

The legislation now before us proposes to change the provision used to confer Indian status on the children of women, such as Ms. McIvor. Instead of subsection 6(2), these children would acquire status through subsection 6(1). This would eliminate the gender based discrimination identified by the court.

I believe that every member of the House stands opposed to discrimination based on gender, of that we are all well aware and it is clear. Despite this conviction, however, I expect that all members appreciate that equality between men and women is difficult achieve. Bill C-3 would take Canada one significant step closer to this important goal. This issue is all about the ongoing effort to eliminate gender discrimination, and it is ongoing, as I will describe.

● (1300)

The government's approach has always been to act in collaboration with the people directly affected by these issues at play. Bill C-3 is no exception. Last year, following a thorough review and analysis of the court's decision, departmental officials had technical briefings with representatives of five aboriginal organizations to discuss the decision and Canada's proposed response.

Following those briefings, 15 engagement sessions were held throughout the country to present Canada's proposed response to the McIvor decision and to solicit feedback. To help focus the sessions, the Government of Canada researched, published and distributed copies of a discussion paper. Hundreds of participants came to the engagement sessions and many written submissions were received.

Routine Proceedings

Several common themes emerged during the sessions and in the written submissions. Many people were expressing concerns about broader issues of registration, membership and citizenship. We know that the broader reform on these matters cannot be developed overnight or in isolation, least of all just within the context of a parliamentary committee with a short timeframe.

Based on the views expressed during that engagement process, we have announced that these broader issues will be considered in another exploratory process, a process that will extend beyond the scope of this bill before us and that will be taking place over the next few months.

I think all members should recognize that this is something that came directly from those who were involved and participated in the consultations in advance of Bill C-3. This is not something that was just picked out of the air as a way to create a more expeditious route for the adoption of Bill C-3. This is something that was recognized, suggested and recommended by the leadership of various aboriginal groups right across the country.

This will be done in partnership with national aboriginal organizations. It will involve the participation of first nations groups, organizations and individuals at all levels. The findings of the exploratory process will inform the government's next steps regarding initiatives on these issues.

Far from being conclusive, Bill C-3, by its very nature, recognizes that it will solve the question and the problem of the case of *McIvor v. Canada* that was before the B.C. Court of Appeal. It was necessarily narrow and concise in its scope so as to solve that problem but to not give up on the question of moving forward to address some of these other issues around membership and citizenship.

I am confident that the exploratory process will provide an opportunity for a comprehensive discussion and assessment of these broader issues. This work, however, as I pointed out, will be done separately from the legislation. It allows us to focus our attention on the legislation that is now before us and the solution that it offers to the specific concerns that were identified by the B.C. Court of Appeal.

As important as this work might be, it cannot take precedence over Bill C-3. It must not lose sight of the fact that the legislation now before Parliament responds to a very specific court ruling and a prescribed deadline, as I said earlier, of July 5. The ruling and the deadline informed the very design of Bill C-3 and it is for this reason alone that the proposed legislation is, as I say, very precise, very compact and focused.

Not for one minute have any of the members, certainly not the members around our committee, suggested otherwise, that there are not other issues that need to be dealt with. As a matter of fact, none of the committee members, although I cannot speak for all of them, would have been surprised by what we heard from the witnesses. The member for Labrador commented earlier this morning about what we heard from the witnesses. He is absolutely correct. None of us were surprised by that because we knew, even through the consultation process, that these discriminatory issues existed and needed to be dealt with. However, we also had the urgency of the

McIvor question, something the court handed to us that we had to deal with urgently.

As Bill C-3 proceeds through the process, we must and will continue to work in partnership with first nations and other aboriginal groups and organizations to identify and discuss these critical issues. This is a process we have talked about that will remain separate, and we will proceed on that basis.

● (1305)

Bill C-3 is progressive, responsive and measured. It is rooted in the principle that all citizens should be equal before the law. Bill C-3 represents a timely and appropriate response to the British Columbia Court of Appeal's ruling. It proposes to eliminate a cause of unjust discrimination and ensure that Canada's legal system continues to evolve alongside the needs of aboriginal peoples. In essence, Bill C-3 represents a forward step by a country committed to the ideals of justice and equality.

I know there have been a number of comments and discussions by members in questions and comments and, through the course of this debate, it has been identified that there are other areas of membership and registration that members and the government should be considering in terms of making the Indian Act more responsive to these gaps and questions that continue to be raised by aboriginal leaders and individuals across the country.

I would encourage members, certainly those members on committee, to read, if they have not already read it, the B.C. Court of Appeal's decision to see what the appeal judge said in respect of why the Court of Appeal narrowed the scope of that decision, because it had some justification to do that. It was looking at Bill C-31, which was passed in 1985. This legislation, at that time, had been around for 24 years, and because it had been in place for such a long time, people, in this particular case aboriginal people, had become acclimatized to the provisions of that bill. Families and aboriginal organizations had each made decisions based upon that legislative regime that existed.

When a Parliament comes along and decides to change and amend the very regime by which people had made decisions and existed in the course of 24 years in this case, there is no question that one can look back and say that yes, some discrimination occurred there. The court clearly has upheld that assertion that there was discrimination there.

However, once we go back and amend it, we need to be careful, because what we might also be doing by conferring rights and privileges to one group of people is upsetting the equality and certainty that existed among those families that were there.

It is a rather interesting principle to get one's head around, but I would like to read one section of the decision that I think squarely hits the nail on the head. In this case, the Appeal Court judge is talking about Bill C-31. It reads as follows:

The legislation at issue has now been in force for 24 years. People have made decisions and planned their lives on the basis that the law as it was enacted in 1985 governs the question of whether or not they have Indian status. The length of time that the law has remained in force may, unfortunately, make the consequences of amendment more serious than they would have been in the few years after the legislation took effect.

Routine Proceedings

Contextual factors, including the reliance that people have placed on the existing state of the law, may affect the options currently available to the Federal government in remedying the Charter violation. It may be that some of the options that were available in 1985 are no longer practical.

That gives us a sense of the difficulty that we have with amendments to the scope of Bill C-3.

• (1310)

Members will know that Bill C-3 was passed at second reading, and by our own procedural rules we are not allowed to expand its scope. Indeed, that is the very reason we are here today: we are discussing the question as to whether the House would consent to allowing the committee to expand the scope of the bill.

This is a question that deserves serious consideration. We have to tread very carefully. Committee members know that the kinds of issues brought to us by the witnesses we heard are legitimate. As the member for North Vancouver mentioned, there is far from being a consensus of opinion. There are differences in what we heard in terms of how some of the registration provisions would be implemented, particularly at the community level.

The member for Labrador mentioned, for example, the remarks of one of our witnesses, Pam Palmater, who is from Ryerson University. I must say that Ryerson is my alma mater as well; I had to throw that in.

Ms. Palmater was very clear. She brought a different perspective to our committee because she spoke as an aboriginal person who did not have status and lived off reserve. She had a perspective different from what we heard from people who came from a different experience, having lived on reserve all their lives.

There is no doubt that anyone would be challenged in trying to understand some of the intricacies in the bill, but what remains clear is that we have a mission in front of us to carry on.

As I outlined, the first thing we need to do is address the issue that the British Columbia Court of Appeal put in front of us in regard to the weaknesses in Bill C-31 as they apply to the *McIvor v. Canada* case. That is before us and that is what Bill C-3 does.

We recognize that there are other issues. That is the exploratory process that we now need to put in place. We need to bring some certainty to the registration provisions, sections 6(1)(a) and 6(1)(c), so that we have a position that people can depend on going forward. We need to continue to work with aboriginal groups right across the country to refine some of the citizenship and membership questions.

I will leave it at that. I invite questions from members. Some members will actually be working together in committee this very afternoon on this question, and I know the discussion will continue.

I must say that it has been a fruitful discussion. This is an issue that we do not always get a chance to talk about, particularly here in the House. It is a rare occasion when we can have such a full debate on a question that is very important to aboriginal people right across the country.

• (1315)

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Madam

Speaker, I have a very simple question for the member, who has given us a good and comprehensive speech on this subject.

Can the chair of the aboriginal affairs and northern development committee, after hearing all the witnesses and all the discussion among the various political parties on this subject, foresee any circumstance in which a bill could be crafted that would eliminate concerns from one quarter or another about the contents of the bill?

Mr. Bruce Stanton: Madam Speaker, that is a very pertinent question. Simply put, within the context of the work that the House referred to our committee, the answer is no.

We were given a very set bill that had a certain scope to it. We are required to work within the scope of that bill to achieve a very specific end. After a year of consultation, a year working with aboriginal groups, we recognize that this bill is going to fix the difficulties. It will address the very specific and narrow decision of the B.C. Court of Appeal.

This bill is not going to solve all the problems, but it certainly is going to focus on and correct this one that the court has sent back to us.

Mr. John Duncan: Madam Speaker, I could ask my question in a more far-reaching manner. Members of the opposition have made very broad statements in the House today, talking about a one-size-fits-all solution under a bill. Presumably they see the vehicle as being changes to Bill C-3.

If we were to remove all impediments and concerns about the scope of the bill in terms of registration, membership and citizenship complexities and ramifications that are of great concern to first nations, and if we were to think only about some of the statements made by the members opposite, would there be a one-size-fits-all solution that would have any form of consensus agreement from the very people who are most affected by this, namely the residents and people in our aboriginal communities and potential new applicants?

Mr. Bruce Stanton: Madam Speaker, there is no doubt that a one-size-fits-all approach will not work here. Measures have been identified in all goodwill and in context by the witnesses we have seen in this very short time period since the committee has had this bill in front of it. It has become very clear to me and I am sure to all members that the only way forward to address these other measures is a more expansive discussion with aboriginal leadership.

We saw in committee that there is not really a consensus, even among some of the different voices we heard. From individuals to aboriginal leadership, for example, there are many questions, and they do need to be addressed. That is why the government has proposed an exploratory process to do that.

However, in terms of the member's question, I thought he might be interested to know that before one can really answer that question, we have to have some comprehension of the history of how registration has evolved in our country since 1951.

Routine Proceedings

In 1951 a registration process was put in place by the government of the day that would allow and confer status to first nations people across the country. In 1985, 34 years later, Bill C-31 was brought forward. That bill obviously did not foresee some of the gaps that came to be understood by what we are talking about today in Bill C-3. However, for all the right reasons, Parliament passed the bill. It put Bill C-31 in place in 1985 to bring registration into balance.

While members may point to certain aspects of the registration provisions that still put one class in a different class of registration from others, we can conclude, going forward from 1985, that men and women are treated in the same way. There is an equality of treatment under the Indian Act going forward from 1985. It is this transition period between 1951 and 1985 that is the subject of our work.

●(1320)

Mr. John Duncan: Madam Speaker, I do not normally get up three times during questions and comments, but I noticed that no one else was standing up.

I think the member has provided a very good description of what an archaic act we are dealing with when we are dealing with the Indian Act. I am reminded that we have many modern treaties in Canada and also that 230 of our 634 first nations have their own membership codes. Maybe we could have a quick comment from the member on that.

Mr. Bruce Stanton: Madam Speaker, it is fair to say that there is a distinction between status—that is, Indian status as it relates legally under the Indian Act—and the membership of the band. In fact, for those who are looking on, it might be interesting to know that more than 200 first nations communities have already engaged in treaties with the government. The only provision of the Indian Act that still applies to those communities is the registration provision.

Those communities that have continued and put their own treaty regimes in place make decisions about their own band membership. That is a good thing, and it is not really the subject of interest here today.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Madam Speaker, I am pleased to have the opportunity to speak in this debate and to support my colleague's motion to ask the House to direct the committee to expand the scope of Bill C-3.

This is a very complex piece of legislation. We have heard much discussion on it already and I am not prepared to go into the substantive issues of the legislation today, but want to speak more to the process.

We have heard much about the urgency of the bill, the fact that we have to do it because the clock is running out. I want to read into the record a quote from the B.C. Court of Appeal which granted an extension until July 5, 2010. It said:

Under the circumstances, we might well have acceded to a request for a longer suspension of our declaration had it been sought. The Attorney General's factum, however, sought only a 12-month suspension of any declaration of invalidity.

Therefore, we know that the court is likely to grant a further extension if a comprehensive redrafting of the bill was to take place. The decision, and I am emphasizing what my colleague said, to

prorogue Parliament further undermined the effort to move the bill along.

We have heard much about the discussion. We have heard the parliamentary secretary say earlier that allowing the scope of Bill C-3 to expand will create "unintended consequences". I would submit that refusing to allow the committee to address residual discrimination as instructed by most of the witnesses, the government is knowingly creating intended consequences which means gender discrimination.

What the bill means, and I have said it in committee and I will say it here, is that it will create a situation where some aboriginal women will be more equal than others and in a country like ours and a country that purports to respect the charter and respect human rights, this is simply not acceptable.

The member opposite, I think, said, "Equality is difficult to achieve". I would submit that equality is not difficult to achieve. There are amendments that might be made to the bill that would, in fact, extend equality to all aboriginal women in this country. It only requires the political will of members opposite to ensure that it happens.

The government never really considered a comprehensive remedy to all the gender discrimination concerning status entitlement. First, it appealed the original decision of the B.C. Supreme Court, which called for a broader solution. Then when responding to the 2009 B.C. Court of Appeal, it did not consider a comprehensive solution and put forward several solutions in a limited engagement process that would knowingly leave residual discrimination. Finally, when introducing Bill C-3, it crafted it in such a narrow way that it does not allow the committee to consider comprehensive amendments.

I want to speak to the issue of status and why it is so important for aboriginal women. I am quoting in part from the submission put forward by LEAF. It states:

Denial of status and the corresponding lack of acceptance in one's community and degraded sense of identity and self-worth, is an independent harm. It is also legislatively connected to the denial of band membership. Under the Indian Act band membership rules...and under the majority of membership codes of First Nations who have assumed control over membership, lack of status results in exclusion from band membership and from having the right to reside in one's home community/territory. This means that non-status women and children cannot live in their home community. They are treated as "outsiders". They are unable to practice and transmit their culture and language within the community, and their children's aboriginal culture and language cannot be nurtured within the community.

I would say that that is very important. In fact, the B.C. Court of Appeal judge acknowledged that when he said:

—I am of the view that the trial judge was correct in accepting that intangible benefits do flow from the right to Indian status.

●(1325)

I think it is important for all aboriginal women and children to have the opportunity to be treated equally by the Government of Canada within their own bands. We have heard much of the exploratory process. The exploratory process or, what I would prefer, a consultation process has a whole host of issues that it can deal with but need not deal with. There is no other group in this country that we would go on an exploratory process to see whether they are equal in our country.

Routine Proceedings

All aboriginal women should be recognized as equal within their own communities before the government of this great country that we live in. I see this as a real effort to diminish aboriginal people. I see the title of this bill, an act to promote gender equality, as misleading and, repeating what we have said over here many times, contributing to what I see as a culture of deceit. This is not what this bill is all about. It is, in fact, creating a situation where some women will be more equal than others.

I would submit to members on both sides of the House that we do the right thing, that we take this motion seriously, that we direct the committee to look at the bill to the fullest possibility, and expand it so that all aboriginal women and their children will have the opportunities, rights and sense of community to which they are entitled. It is incumbent upon us as parliamentarians to ensure that this happens.

In concluding my remarks, I plead with all members of the House to look at gender equality in its truest sense of the word for all aboriginal women. Some are not more equal than others.

● (1330)

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Madam Speaker, I am once again disappointed. The member for Winnipeg South Centre has not been a regular attendee at the Standing Committee on Aboriginal Affairs and Northern Development.

Once again, we are getting this line that the B.C. court's granting of an extension was done in such a way that we should have asked for a longer extension and that all of this debate would be moot. There was no certainty at all that an extension was going to be granted. We had no way to predict that. By asking for the extension, which we did, we thought there was a reasonable probability it might be granted. This backward, rear-view look that suggests that we could have asked for a long-term extension is really quite inventive.

There is another thing that I think is being overlooked. There are 230 first nations across the country that now have adopted a membership code. They are free to determine membership in their communities and we are very pleased when that occurs. We are willing to empower that.

I am trying to characterize this in a different way because it is almost like the opposition parties want to paint us as the ones who want to control all of this. We do not want to control all of this. We want to ensure it works properly. We are dealing with an archaic act and fixing it is not a simple exercise. We need to do it in a series of steps.

Hon. Anita Neville: Madam Speaker, I do not think we usually comment on attendance, but just to keep the record straight, I have been as regular a member of that committee for over five years as the member opposite. My record on that committee more than speaks for itself.

I am not quite sure what the question was from the member opposite. What I do know is that the government has the capacity to ensure that all women are treated equally. There are a number of other problems related to band membership and citizenship. Members know that. The engagement process can address those issues, but the issue of gender equality for all aboriginal women is

front and centre in this bill, and the government, if it has the political will to make it happen, has the ability to do so.

Mr. Bruce Stanton (Simcoe North, CPC): Madam Speaker, I caught about half of the remarks of the member opposite who is also a great contributing member to our committee, I might add. But on the question in terms of trying to expand the scope of the bill to, as she says, address some of these discriminatory issues, would she not agree that in the past, as in 1985, as with the lower Court of Appeal, the presumption that some of these measures will in fact address those gender issues? We have seen in the past where they have actually given rise to other unintended consequences. The very issue we are dealing with today was for all intents and purposes an unintended consequence of Bill C-31.

Therefore, would it not behoove the House to proceed in a measured and guarded way in line with what the Court of Appeal has given us and then use the secondary exploratory process to get a more broader examination of these issues?

● (1335)

Hon. Anita Neville: Madam Speaker, we know that the ruling in 1985 produced a number of unintended consequences. The difference in this situation is that there are intended consequences. The intended consequence is a lack of equality for all aboriginal women. This is not a negotiable issue in a country like Canada where we knowingly legislate that some are less equal than others. So while the consequences of 1985 were unintended, the consequences of this legislation will be intended, will be harmful, will be degrading, and it is incumbent upon the government to expand the scope of this legislation.

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Madam Speaker, I am happy to speak to this motion moved by the NDP member for Nanaimo—Cowichan.

I would like to clarify something in the last question and comment period. I was not in the 2006-08 Parliament, so that would explain why I was not on the aboriginal affairs committee of that Parliament. I do have a long history with the committee dating back to 1994 and right up until 2006, and then in this current Parliament.

I witnessed the unintended consequences of the 1985 legislation up close and personal because 1994 was not that far removed from 1985. We are now a full generation beyond that, it being 25 years since the 1985 amendments. We are into another attempt to address some of the issues that flow from the whole question of registration. This is a complex and complicated area. The whole question of identity is tied up in questions of registration which fall under the Indian Act, questions of membership which are determined for 230 of the 634 first nations by the first nations themselves, and an allowance for all of them to adopt a membership code if they so desire, and we have questions of citizenship.

Routine Proceedings

From a number of witnesses we heard from on the first nations side at committee, there was a broad statement that became fairly generalized, which was that first nations have the inherent right to determine their membership. I think it would be presumptuous of us to go too far into that discussion during the discussion of Bill C-3. However, it is very germane to the parallel process that we wish to put in place and which has had buy-in from the national aboriginal organizations. We wish to put in place an exploratory process to look at citizenship, membership and registration considerations with a view to further changes that could be adopted above and beyond Bill C-3.

This is a backdrop to what we know we have. We have an archaic Indian Act. Archaic as it might be, we have modern-day treaties that have been negotiated, every point gone through with a fine-toothed comb by legal counsel, and when all is said and done, lo and behold, we find most often that section 6, the portion of the Indian Act dealing with registration, is the only part of the Indian Act that remains intact and built into that modern treaty. The reason for that quite simply is it is such a complex thing to get rid of, it is easier to adopt it.

That is not where the pressure is coming from to make the changes, such as what is being proposed under Bill C-3. That came from the court case of Sharon McIvor in British Columbia.

● (1340)

The Government of Canada is responding to a long debated, long discussed, long considered question about transmission of status to grandchildren where there is a difference in transmission of status between a male Indian who married out and a female Indian who married out. That is where the bill is coming from.

The court recognized that there is no way to address all of the issues without impacting on the people who have been living under the old provisions of registration, citizenship and membership all these years. This then becomes part of the balancing act. The broad, sweeping statements that have been made this morning on this issue have conveniently omitted or forgotten about the other side of the ledger. There are a lot of implications, ramifications and potential unintended consequences that flow from anything beyond the government travelling down the road where it has a court mandate. We should not do that without a full process to look at all of this. That is why we put in place a parallel process called the exploratory process. Until today, I thought that everybody was comfortable with that.

This is an interim step in everyone's mind. It does affect 45,000 potential new entrants across the country. There are some practical implications of 45,000 new applicants. The Registrar of Indians will have to gear up, hire more people, create a whole new regime in order to take a large number of new applications. I cannot imagine the implications for the registrar if we were to go beyond that. I fail to see why this interim step is being viewed with negativity. We know from a lot of ad hoc evidence that there are a lot of people who are very interested in being new entrants. The number of calls that are being made to the department and general conversations indicate that this has really engaged a lot of people.

A witness who came before committee made a statement which was very incisive. She said that we probably would not be debating

this bill and that it would not be controversial except for one thing, that there is money involved. I think she hit the nail on the head. We are talking about government certification of ethnicity that has financial consequences in the way of benefits. That is another way to look at this.

● (1345)

We have to be realistic in that this is a complicated issue for the public. The public may not understand why there is so much discussion about what basically amounts to an official designation, but that is what it is all about in terms of some consequences. We want to make sure that we are not endorsing amendments that are of concern regarding unintended consequences which we cannot predict reliably. I would remind the opposition members of this.

The Canadian Human Rights Commission attended our committee meetings with a high degree of interest. Members will recall that the last Parliament adopted the amendment to the Canadian Human Rights Act, which I had been advocating since approximately 1994 in this place, to delete section 67 of the Canadian Human Rights Act. That section exempted first nations people living on reserve from the provisions of the act. In other words, there were Canadians to whom the Canadian Human Rights Act did not apply and who were pre-empted and prevented from appealing to the Canadian Human Rights Commission.

As of July next year, there is a phase-in and under the new legislation that provision is removed. There is an expectation the Canadian Human Rights Commission will be involved in the future in questions of registration in some cases. There is no clarity at this point as to whether it would be some or all, or potentially none, but I cannot imagine that somehow. That is another downstream consequence where we cannot predict exactly where we are going on this train. It is clear there are changes coming, but it is not clear at all what the ramifications will be.

We encouraged the participation of the Canadian Human Rights Commission. The commission is encouraged by its participation that it will be able to deal with this. It has set up a committee within the Canadian Human Rights Commission in order to ensure that it is proactively looking at this whole question of registration and any complaints that may flow from it.

Clause 9 in Bill C-3 is very important from the standpoint regarding any implications financially that flow from people being denied status between 1951 and 1985, and who are empowered by Bill C-3 as we have presented it. There would be no liability attached to either the Crown or to the first nations in terms of those individuals being able to seek compensation for their lack of membership during that time frame.

This is not something that has been talked about much this morning, but it is one that was criticized. I think it protects probably the first nations entities more so than the Crown. It is in there for clarity, but it is important clarity and I wanted to mention it.

● (1350)

The legislation we now have before us proposes to achieve two goals: first, to eliminate a cause of gender discrimination in the Indian Act; and second, to provide a timely and direct response to the ruling of the B.C. Court of Appeal.

Statements by Members

We are aware of a number of broader issues related to the question of registration and membership. However, given the short timeframe and in the interest of avoiding a legislative void in British Columbia, we are seeking to implement changes that directly respond to the British Columbia Court of Appeal's decision.

Bill C-3 does offer a solution to these specific issues by amending the Indian Act to address the gender discrimination identified by the court. We are aware of broader questions of registration and membership because our government has been acting in collaboration with the people directly affected by the issues at play.

Last year, following a thorough review and analysis of the court's decision, department officials had technical briefings with representatives of five national aboriginal organizations to discuss the decision and Canada's proposed response. Following those briefings, 15 engagement sessions were held throughout the country to present Canada's proposed response to the McIvor decision and solicit feedback. As I have said, there was a lot of feedback but there is also a lot of interest in new entrants wanting to register. They are simply waiting at this point for this bill to go through.

Hundreds of participants came to the engagement sessions and many submissions were received. There were some common themes during the sessions. Many people expressed their concerns about the broader issues of registration, membership and citizenship. These concerns need to be considered and discussed. These broader issues are, as I and others have said, complex and there is a diversity of views among first nations.

For that reason, we will be undertaking a collaborative process with national aboriginal organizations to plan, organize and implement forums and activities that will focus on the gathering of information and identifying broader issues for discussion. This exploratory process, the terms of reference and the mandate are things that will be put together collaboratively. This is not a top-down exercise. I think it is a very enlightened way to approach a very complicated and complex issue.

It is the appropriate thing to do and it should begin promptly but it cannot begin promptly if we do not have an interim step in place, and the interim step is passing this legislation. That is what is predicated on and that is what will commence it. The wide array of views on status, membership and citizenship must be shared and carefully considered. They cannot be viewed in isolation and they cannot be addressed in a rushed manner.

This will be a process that will inform the government on the next steps. As important as this work is and will be, it cannot take precedence over Bill C-3. Bill C-3 responds to a specific court ruling and prescribed deadline. I can say with certainty that the proposed legislation is precise, compact and focused. Unlike the debate and discussion this morning, the bill is precise, compact and focused.

•(1355)

I will remind members that we are working on a deadline and we need to meet that deadline. The decision to grant that deadline was rendered on April 1 of this year and it takes us through to July 5. We need to get this done in this spring session. We have an opportunity to process Bill C-3.

Mr. Todd Russell (Labrador, Lib.): Madam Speaker, the parliamentary secretary talked about the government's genuine effort to fill a legislative gap. If Bill C-3 were not passed, there would still be a legislative gap. Would the government be as sincere within that particular scenario in terms of bringing forward another bill?

Mr. John Duncan: Madam Speaker, the member must recognize that the government has a process in place to deal with legislation. I am not the minister but I can assure the member that the question that has been posed is above and beyond the scope of Bill C-3, which is what we are debating here today. I am not the one to answer that question.

STATEMENTS BY MEMBERS

[English]

NEW BRUNSWICK 4-H COMMUNICATIONS COMPETITION

Mr. Mike Allen (Tobique—Mactaquac, CPC): Madam Speaker, this past weekend, I had the honour to serve as a judge at the New Brunswick 4-H Communications Competition held in Woodstock.

Close to 40 young people from across New Brunswick took part in the event, each winners of their respective regional competitions. It was impressive to watch these fine young citizens get up in front of a large audience, present their ideas clearly and convincingly, including in the Clover Bud category of seven and eight year olds.

I want to congratulate the local organizing committee headed by Allie and Linda Porter; president of the NB 4-H Council, Kelly Power; and all the volunteers who gave of their time to support this important event.

I also want to congratulate category winners Shaughnessy Riordon, Barry Riordon, Emma Allen, Isaac Gilbert, Emily Gregory, Valerie Guilbault, Shaylee Neal, Falyn Coates, Devlyn Hooper, Kyle Kirby, Rachael Merritt and senior speech winner, Audrey Eastwood, who will be our representative at the Royal Agricultural Winter Fair this fall.

All the participants did well. They are all winners and our province and country are all the better off as a result of the 4-H program.

* * *

MENUHIN INTERNATIONAL COMPETITION

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Madam Speaker, Kerson Leong, an Ottawa—Vanier musical prodigy, just won first prize in the prestigious Menuhin International Competition held every two years in Oslo, Norway, for violinist under the age of 22, and he is only 13.

While attending Ashbury college, Kerson studied at Tutti Muzic, a private school run by his mother.

*Statements by Members***FIREFIGHTERS**

Twice I was fortunate to have Kerson, his older brother, Stanley, and their mother perform a mini-concert at my swearing-in ceremony here on the Hill. Both times they were phenomenal and they held the crowd spellbound. I have also had the pleasure of attending other concerts and they keep getting better.

Now they are taking the music world by storm and prevailing. I want to congratulate Kerson and, indeed, his entire family for making us proud and demonstrating that perseverance and talent are a formidable combination anywhere in the world.

* * *

● (1400)

[*Translation*]

JUSTICE

Mrs. Maria Mourani (Ahuntsic, BQ): Madam Speaker, this government falsely claims it is tackling crime, yet it is doing nothing about the need to introduce an effective, balanced bill to facilitate police investigations involving the Internet, particularly in cases of sexual assault on minors.

We in the Bloc Québécois are not the only ones calling for such a bill. The Federal Ombudsman for Victims of Crime and police forces have been calling for such legislation for over 10 years.

On April 20, in committee, the ombudsman said that the longer we wait to give police the tools to enforce the law, the more children will be abused, which I believe makes everyone angry. He added that if he were Prime Minister, the Internet would be his top priority.

How many more children who could have been spared will have to be assaulted before the Prime Minister finally decides to act? He must introduce an effective bill immediately to facilitate criminal investigations on the Internet and respect individual rights and freedoms.

* * *

[*English*]

PUBLIC SAFETY OFFICER COMPENSATION FUND

Mr. Peter Julian (Burnaby—New Westminster, NDP): Madam Speaker, today on Parliament Hill, Canada's firefighters are here for the 16th consecutive year asking for a public safety officer compensation fund to take care of their families. Last week, police officers were here doing exactly the same thing.

However, Parliament has already voted to put this important benefit into place. In 2005, Parliament adopted my Motion No. 153 that called for the establishment of a public safety officer compensation benefit. For four and a half years the Conservative government has steadfastly ignored our brave firefighters and police officers by refusing to implement this benefit.

While widows, widowers and children of fallen firefighters and police officers are forced sometimes to sell their homes and give up school and they live financial hardship, nothing has been done.

The government should apologize for the disrespect it has shown to Canada's fallen and their families. It should immediately put into place the supports for the families of those who lost their lives while protecting the lives of Canadians. It should do it now.

Mr. Patrick Brown (Barrie, CPC): Madam Speaker, I rise today to pay tribute to firefighters across Canada. Firefighters are not only on the front lines of emergency services in our community, but they give us peace of mind. They ensure public safety in some of the most challenging environments and have been incredible supporters of charitable causes.

Barrie firefighters have raised \$1 million in their annual boot drive and over \$790,000 over the years have gone to benefit charitable organizations, such as Muscular Dystrophy Canada. Barrie has raised the most funds out of all its peers in Canada for firefighters.

The Barrie Firefighter Union executive is comprised of Len Mitchell, Kevin White, Cory Mainprize, Brad Conrad and Rob Taylor. I also want to thank Fire Chief Lynn for encouraging this public service and charitable work among his firefighting team. They also run a scholarship fund in the name of Bill Wilkins who perished in the line of duty, sadly, on May 27, 2002. This scholarship is for worthy students from the pre-fire service program at Georgian College.

Firefighters around Canada and Barrier firefighters continue to be pillars of our community, excellent local citizens and an example of generosity.

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FRIENDS OF MOHAMED

Hon. Shawn Murphy (Charlottetown, Lib.): Madam Speaker, I am pleased to rise in the House today to acknowledge the work, dedication, and energy of a small group of individuals from the Charlottetown area known as the Friends of Mohamed.

Mohamed Mara is a young man who came to Prince Edward Island in 2005 as a refugee from Sierra Leone. In the midst of the civil war, rebel forces killed his family. Mohamed escaped but was caught later by the rebels, who cut off both his hands.

Friends of Mohamed organized and engaged the community, and raised \$65,000 necessary to fit and install state-of-the-art myoelectric hands.

I would like to publicly thank all businesses, groups and individuals who generously donated to this cause. I also want to thank all members of that very special group, Friends of Mohamed, especially Catherine Ronahan, who gave so much of her time and very much played a leadership role.

Mohamed's new hands have been fitted and are operating. He has received the necessary training and he is back in the community. He is doing very well.

On behalf of the House, we wish him all the best.

Statements by Members

●(1405)

AUDREY PATERSON

Mrs. Alice Wong (Richmond, CPC): Madam Speaker, I rise in the House today to honour the late Audrey Paterson, founder of the Canadian Women Voters Congress and the Western Businesswomen's Association. She passed away in Vancouver last week at the age of 82.

My condolences go out to her husband, Ron Castner, her six children, her fourteen grandchildren and one great-grandchild.

Audrey Paterson was a former journalist and editor. She will be remembered by her tireless efforts as a crusader for advancing women in business and politics. She also established the non-partisan Women's Campaign School, of which I am a proud graduate.

Her vision, her hard work, and her persistence in creating equal opportunities for women has inspired and will continue to inspire us all. Her legacy will live on.

* * *

[Translation]

NORMAND ROUSSY

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, we were saddened to learn of the tragic death this week of a lobster fisher, 62-year-old Mr. Normand Roussy. Mr. Roussy had gone out into Chaleur Bay, early Saturday morning, together with other members of his crew. Unfortunately, while fishing, Mr. Roussy lost his balance and fell off his boat into the water.

The Sûreté du Québec were called at around 9:45 a.m. and went to the dock where his fellow fishers had taken Mr. Roussy. He was taken to the Centre hospitalier de Chandler, where he was pronounced dead.

This is another tragic event that reminds us of the dangers of fishers' work and the courage required of the thousands of workers who take to the sea every morning to earn a living.

The members of the Bloc Québécois and I wish to extend our sincere condolences to his family and friends, as well as to the entire community that has been touched by this tragedy.

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QUEBEC'S FOREST ECONOMIES

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, yesterday, our government announced the establishment of the temporary initiative for the strengthening of Quebec's forest economies, a three-year, \$100 million measure to support communities affected by the forestry crisis.

The mayor of Dolbeau-Mistassini, Georges Simard, has said that this announcement is very good news. And the vice-president of operations at AbitibiBowater, Gilbert Demers, has said that it is exciting news that can help people who have new ideas.

The member for Chicoutimi—Le Fjord has not held back in criticizing this initiative. But everyone knows that the Bloc Québécois is against anything that makes sense. That is nothing new.

The Bloc voted against the forestry industry in Quebec. This proves, once again, that the Bloc does not defend the interests of Quebecers. Quebecers can count on our Conservative government. We are taking action in the interests of workers and communities by strengthening the economy in the regions. I can assure you that we will not let the Bloc keep taking Quebecers for fools.

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OFFICIAL LANGUAGES

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, the Conservatives want Canadians to believe that they care about and respect our official languages. When it is time for grandstanding, they show up; but as for everything else, that is debatable, as demonstrated by these few lines from a document sent to French-speaking citizens. I have left them in French, because they are unintelligible, as I will explain.

A partir des dernières années, répondants à l'enquête requis à répondre à L'enquête sur les établissements de soins pour bénéficiaires internes utilisant un système électronique au Internet. Nous vous prière d'annoncer que cette est maintenant possible. [...] Access à la nouveau système de questionnaire électronique est facile et vite. De la ligne d'adresse au votre Internet [...]. Veuillez inclure votre identifier l'enquête q'il est trouver juste en haute de votre nom d'établissements dans l'adresse.

My hon. colleagues should not worry if they did not understand any of that, because as I said, it is unintelligible. Imagine how hard it was for those who were supposed to understand this machine translation. This is how the Conservatives show their respect for official language communities.

* * *

[English]

AUTOMOTIVE INDUSTRY

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, last Wednesday Canadians were pleased to hear General Motors' announcement that it had repaid its loan to the governments of Canada, Ontario and the United States. Today, I would like to announce that General Motors will invest more than \$200 million at its engine plant in my riding of St. Catharines, Ontario, for the next generation of small block engines.

Now the St. Catharines plant will not only invest in making highly fuel-efficient engines but, in addition, will continue to assemble small block engines. This means the preservation of 400 jobs in St. Catharines. This, along with the new front-wheel assembly transmission expansion in 2012, shows that we are on track in St. Catharines.

In our government's economic action plan, we provided support to help create and protect jobs in communities and industries in our country that have been most affected by this downturn. This included the manufacturing sector.

This shows that the investments our government has made are working not only in St. Catharines but across this country.

Statements by Members

●(1410)

PUBLIC EDUCATION

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I rise to speak on the vital importance of public education in British Columbia and to bring to the House's attention the current crisis facing public schools in my province.

Due to chronic underfunding by the provincial government, schools boards across British Columbia are facing budget shortfalls of millions of dollars. Because of provincial legislation that prohibits school boards from running deficits, they are being forced to slash vital services to children in B.C. This is both bitterly ironic and wrong.

Not only is the Liberal government of Gordon Campbell running a deficit approaching \$2 billion, four times what he claimed it was last election, but it was his government that promised to make education in British Columbia a world-class system, a betrayed promise.

Now our students are facing the loss of special needs teachers, music and athletic programs, ESL teachers, multicultural support workers, enriched curricula, teacher librarians, administrators and teachers themselves. Some school boards are even cancelling school days to save money.

I hope all MPs will join me in the House to condemn this shortsighted and appalling abdication of responsibility to our children and to urge the B.C. government to provide all funds necessary to ensure our public school system is properly funded.

I also want to congratulate school boards across—

The Speaker: Order. The hon. member for Selkirk—Interlake.

* * *

FIREARMS REGISTRY

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, since the Liberal leader announced his plans to force his MPs to support the wasteful and ineffective long gun registry, the Liberal member for Yukon has been sending mixed messages about what he will do.

Last week, the member for Yukon was quoted as saying he, “may not have a choice” to support the long gun registry and, “I would certainly prefer that it was a free vote”. However, the member for Yukon said on the weekend through his spokesman that the Liberal leaders' plan to force MPs like himself to support the wasteful long gun registry is “excellent”.

This kind of flip-flopping by the member for Yukon is totally unacceptable. His choice is clear: he votes to keep the long gun registry or he does the right thing and votes to scrap the long gun registry. It is that simple.

The Liberal member for Yukon should do the right thing. He should listen to his constituents and vote to eliminate the long gun registry once and for all.

[Translation]

2010 UQAM AWARDS

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, last evening I attended the 2010 UQAM Prix Reconnaissance gala.

Among the award winners were: Jocelyne Blouin, meteorologist at Radio-Canada; Éline Hémond, founder of *Femmes, politique et démocratie*; Jean-Marc Eustache, from tour operator Transat A.T. Inc.; Louise Richer, director general of and teacher at the École nationale de l'humour; Manon Barbeau, filmmaker; Yolande Brunelle, principal of Saint-Zotique school; lawyer Johanne Doyon and the honourable Dominique Larochelle, as well as David Altmejd, sculptor.

This gala wraps up UQAM's 40th anniversary celebrations. The goal of UQAM's founders was to make higher education more accessible and to democratize the education system. UQAM has remained true to their vision: bold and open to the world. It is a powerful symbol of innovation and one of the top institutions of learning in Quebec.

On behalf of the Bloc Québécois, I want to congratulate these remarkable people who have used their exceptional talents to make a contribution to our society.

* * *

[English]

YUKON MINE ACCIDENT

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, with tomorrow being the annual day of mourning for workers killed on the job, I rise on the sad occasion of a cave-in at the Wolverine zinc mine in Yukon that killed one miner and left two injured.

Our deepest sympathies are expressed from all of Parliament to the family and friends of William Fisher who died in the tragic accident, and our sincerest wishes are extended for the speedy recovery of the injured.

Since the time of the gold rush, thousands of Yukoners, to support their families, have risked their lives in the biggest industry in Yukon. Our hats go off again to all these courageous builders of our nation, to which a stone carving is dedicated in the foyer of this very House of Commons.

Perhaps the greatest heroes of all are those who, to the ecstatic jubilation of their families, escaped the original disaster and then courageously re-entered the mine to try to rescue their trapped comrades. This type of heroism by miners is constantly quietly occurring in Yukon, across Canada and around the world.

For all these unsung heroes and to the families of all those who died trying to save the lives of others, all parliamentarians extend their deep appreciation and admiration.

* * *

●(1415)

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, last week pollster Frank Graves advised the Liberals to divide Canadians through a culture war.

Oral Questions

We know the Liberal leader is taking the advice, but at every turn he is not just dividing Canadians, he is dividing his caucus. His plan to force Liberal MPs to vote to keep the ineffective Liberal long gun registry has left his eight rural members scrambling to explain why.

In addition, he supports shutting out many brilliant minds in the francophone, anglophone, first nations and new Canadian communities from serving their country on the Supreme Court; a move the Liberal member of Parliament for Vancouver Centre thinks is a bad idea.

Furthermore, his own MPs rejected his party's cynical motion to hijack an important initiative to save the lives of women and children in the developing world.

Dividing Canadians against one another is something we expect from the Liberal leader, but his willingness to divide his own party is further proof that the Liberal leader is not in it for Canadians, he is in it for himself.

ORAL QUESTIONS

[Translation]

INTERNATIONAL CO-OPERATION

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, yesterday, the government announced a reversal of Canada's abortion policy, which has been a position of consensus for 25 years in Canada.

Does this mean that the Prime Minister will exclude countries where abortion is legal, like Haiti, from his maternal health plan?

[English]

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the answer is, no.

[Translation]

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the Conservatives have broken a 25-year-old Canadian consensus. They have broken the consensus with Canada's G8 partners. They are destroying Canada's credibility on maternal health.

Why is the Prime Minister so determined to deny that maternal health must include access to safe, legal abortions in Canada and abroad?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it was the Liberal leader who insisted on having a vote in the House.

The government's decisions respect the vote in the House and World Health Organization definitions. There are a number of ways in which we can help and save the lives of women, mothers and children around the world.

We can focus on things that unite the people of Canada, not on things that divide them.

[English]

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, this is a curious position for a government to take that has defied parliamentary resolutions time and time again.

The government is reversing a 25-year-old position of consensus in Canada on this question. One simply cannot promote reproductive health for women unless one respects a woman's right to choose and unless one includes access to safe and legal abortion.

How is it acceptable to have one policy at home for Canada and another abroad?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it was the leader of the Liberal Party who decided to force a vote on this issue. He divided his own caucus and he got the opposite answer from the one he was seeking.

The government's policy respects not just the will of the House. It respects definitions of organizations, like the World Health Organization.

I think the lesson to the leader of the Liberal Party should be clear. He may think a culture war is a good idea but the fact is that Canadians want to see their foreign aid money used for things that will help save the lives of women and children in ways that unite the Canadian people rather than divide them.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I am trying to understand the government's position a little more clearly.

The House will know that 15 and 16-year-old women in Congo have been raped in the thousands and that rape is a tool of abuse and brutality that is a matter of fact in many parts of the world, including Africa, which this government has abandoned.

Could the minister tell us if it is the policy of the Government of Canada that those young women will not have access to abortions after they have been raped? Is that now the position of the Government of Canada?

• (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the position of the Government of Canada is very straightforward. We are sponsoring an initiative to help save the lives of mothers and children around the world. There is a range of initiatives that can be funded in that regard by various G8 countries. We are clear what initiatives we are funding and, believe me, there is more than enough to do in those areas to save the lives of women and children.

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, this is another example of the Conservative culture of deceit. As we speak, a pregnant woman, Sayon Camara Sow, is being deported by the Conservative government after four years in Canada.

I have a question for the government. Where is the focus on maternal health in such a decision?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I understand that individual's lawyer has filed an application with the federal court and I understand that the court has granted a stay.

Oral Questions

The CBSA carries out the orders of the tribunals and the court so that the rule of law is upheld.

* * *

[Translation]

ETHICS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in the matter involving the former status of women minister and her husband, Rahim Jaffer, the Prime Minister has repeated on several occasions that it did not involve the government. New revelations prove otherwise. The Prime Minister has instructed his ministers to report their meetings with Rahim Jaffer.

Will the Prime Minister admit that his defence of the first few weeks has been shattered and that there are ties between his ministers—the ministers of his government—and Rahim Jaffer?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, it is clear that this does not pertain to government business. No government contracts are involved.

If Mr. Jaffer or someone else was engaged in illegal lobbying, our government will take steps to ensure that they are held responsible.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of the Environment has hidden many things. First of all, that a member of his riding staff met with Rahim Jaffer and, second, that this meeting took place in the office of the former status of women minister in Ottawa. According to the Prime Minister's reasoning, which he just repeated, Mr. Jaffer did not lobby members of his government because he did not obtain any contracts. That is twisted logic.

If that is true, why is the Prime Minister demanding a list of ministers who met with Rahim Jaffer?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, Mr. Jaffer's actions came to light for one reason: the Minister of the Environment and other ministers exercised transparency. They reported these activities to the authorities and we are determined to hold people responsible when they do not comply with the laws passed by our government.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, the *Chronicle Herald* is reporting that Rahim Jaffer and the former minister for the status of women took advantage of a government trip to take a side trip to a resort in Belize, against the advice of officials, for some unofficial business of their own.

Can the Prime Minister tell us whether his ex-minister took advantage of a government trip to Belize to deal with personal interests?

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, let us be very clear. It was this government that brought in the Federal Accountability Act and increased accountability in Ottawa. We put in place an independent Lobbying Commissioner to make these types of determinations. We now have an independent Ethics Commissioner who can make these types of determinations.

If my colleague in the Bloc has any evidence that any laws were broken, she should forward that evidence to the relevant authorities immediately and follow the example of the Prime Minister.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, in July 2008, Rahim Jaffer took part in a government trip to Belize with his wife, the former minister for the status of women. According to a private detective, the Conservative couple allegedly had dummy companies registered for them during that trip in order to avoid paying taxes to Revenue Canada.

Has the Prime Minister verified whether Rahim Jaffer had private meetings to promote the financial interests of the Conservative couple outside his wife's official activities in Belize?

● (1425)

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I want to say this for the member opposite. When serious allegations were brought forward to the Prime Minister's attention he acted immediately and acted ethically. He forwarded all of that information over to the independent Ethics Commissioner and to the Royal Canadian Mounted Police so they could make a determination as to the facts. That was the ethical thing to do and an important thing to do.

If the member opposite has any evidence with respect to any unethical behaviour, she should follow the example of the government and do the right thing and forward it.

* * *

INTERNATIONAL CO-OPERATION

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the maternal and child health initiative would be laudable except for one thing. Improving women's health, yes; reducing mortality of children, absolutely. The problem here is that we see the imposition of the Conservative morality agenda, and we say no way to that.

Despite the assurances of the Prime Minister to the contrary, through the voice of the parliamentary secretary in this House just yesterday, the Conservatives decided to reopen the debate on abortion.

Why is the Prime Minister trying to reopen the debate on abortion?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, it was the opposition that decided to have Parliament vote on this issue and Parliament's decision was clear. The government's policy respects, not just the decision of Parliament but also the definitions used by the World Health Organization and many other countries in the G8 and around the world.

We understand that other governments and other taxpayers may do something different but we want to ensure our funds are used to save the lives of women and children and are used on the many things that are available to us that, frankly, do not divide the Canadian population.

Oral Questions

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, exhibiting stubbornness to fund safe and legal abortions overseas is a major step backward and it puts us on a very dangerous path, because it puts ideology to the forefront.

George Bush's Mexico City policy, for example, known as the gag rule, not only barred abortions but also resulted in funding being cut to important global NGOs like Planned Parenthood that saved the lives of women and children.

Is this the track we will see next? Will we see the cutting of funding by the government to organization that do this kind of good work internationally?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Minister of International Cooperation has been very clear. The government has a wide range of initiatives that it will be funding under its maternal and child health initiative. Frankly, there is not enough money to do all the things we want to do, even in those areas. We will concentrate our efforts on areas where the Canadian people are united and want to see progress.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I have another example of Conservative hypocrisy.

Even as they cut funding for abortion in Africa for ideological reasons, now they are preparing to deport a pregnant, diabetic Guinean woman against the advice of her doctors.

Why does the government want to deport Sayon Camara, the wife of a Canadian citizen, during her high-risk pregnancy?

Is that what it means to protect maternal health?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I understand that individual's lawyer has filed an application with the federal court and the court has granted a stay.

I would indicate to the member that the CBSA carries out the orders of the tribunals and the courts and respects the rule of law.

* * *

LOBBYING

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, parliamentary secretaries are not covered by the same lobbying rules as ministers or their staff. The Prime Minister's guide for ministers says, "Only ministers are responsible for the direction of public servants and departmental resources".

GPG's dragon power proposal was reviewed by the infrastructure minister's department. Will the minister tell us who wrote on that proposal, "From Rahim, submit to department", because we know it should not have been written by the minister's PS.

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, let me be very clear. The green infrastructure program is administered by my department. I am responsible for it at the beginning of the day and at the end of the day. I asked my parliamentary secretary to assist me in my responsibilities.

There are strict eligibility criteria with respect to this fund and all assessments on this project are done by an independent public service.

If the member opposite has any allegations of impropriety that she would like to make, she should follow the example of the government and make them to the relevant authorities.

● (1430)

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I will repeat. Who wrote it?

It was the Minister of Infrastructure who crafted the flawed Federal Accountability Act, but now he is abandoning the Prime Minister's election promise to require ministers and senior government officials to record their contacts with lobbyists.

He knew better than anyone that a loophole existed for parliamentary secretaries. He created it. The Conservatives' culture of deceit must end.

Will the government agree to seek unanimous approval of the House to submit PS's to the full discipline of the Lobbying Act?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we expect all lobbyists to follow the law. We expect them all to follow the rules. We have put in place an independent Lobbying Commissioner to make determinations on how these rules are followed.

If the member opposite has any evidence of anything that has been done that is untoward, she should immediately forward it to the Lobbying Commissioner and have the courage of her convictions to do that.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, the Minister of Infrastructure told the government operations committee that he has handed over "all documents" that he has and "additional documents" from his parliamentary secretary, and yet there are missing pages in what he provided.

His office gave still more documents to the media that were never sent to the committee, some of which, once again, included highly relevant, handwritten notes like "From Rahim, submit to department".

Will the government hand over all documents to the committee and ensure they are delivered in time for questioning the next round of witnesses?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, when any allegations were brought to the government's attention, this government did the right thing. It immediately forwarded them to the independent authorities, the independent folks who will investigate these matters and report back.

It is this government that established an independent commissioner of lobbying. All that information was forwarded to the commissioner. They should allow the commissioner to do the work. If the member opposite has any allegations to make or any evidence, I suggest he should take them to the appropriate person. In this case, that is the independent commissioner of lobbying.

Oral Questions

[Translation]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, the Minister of Transport, Infrastructure and Communities is not the only one hiding information.

We have just learned that the Minister of the Environment has finally sent documents to the committee. Why are the rest of his colleagues not following his example?

We know that the former director of operations for the Minister of State for the Federal Economic Development Agency for Southern Ontario discussed three projects with Patrick Glémaud, but the committee has not received any documents to this effect. Mr. Jaffer's email to the Minister of Industry's office is also being kept hidden.

When will Canadians have the right to see all of these documents?

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government has been very forthcoming. When the Minister of the Environment learned of this issue, he did the right thing. He forwarded that information on to the independent authorities so that they could make a determination with respect to the facts and with respect to whether the law was being followed.

This government has done the right thing. If the member opposite has any evidence or allegations of anything that is inappropriate, he should do the right thing and forward them to the independent authorities.

* * *

[Translation]

INTERNATIONAL CO-OPERATION

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the Conservative government is saying that it does not want to re-open the debate on abortion. However, that is exactly what it is doing by attempting to export its Conservative ideology to developing countries.

In Halifax, the Minister of International Cooperation clearly said that the Conservative government would not finance abortion overseas, a stance that has been denounced by the Fédération des femmes du Québec.

How can the Canadian government, which claims to defend human rights, suggest such a hostile position towards women's rights by limiting access to abortion?

[English]

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I would like to read what is involved in the government initiative. The initiative involves a wide range of interventions across a continuum of care including training and support for front-line health workers; better nutrition and provision of micronutrients; treatment and prevention of diseases such as pneumonia, diarrhea, malaria, and sepsis; screening and treatment for sexually transmitted diseases including HIV-AIDS; proper medication; family planning; immunization; clean water; sanitation. Why is the member against all of these positive measures?

[Translation]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the government says that it wants to be a leader in maternal and child health in the third world. By adopting an extreme stance on abortion, the Prime Minister is isolating himself.

How can Canada be taken seriously and show leadership when it is making a fool of itself by defending such an outdated ideology on abortion?

● (1435)

[English]

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, we will take no lessons from the member or the rest of the coalition. We will listen to what World Vision has said. It is outraged that the abortion debate is being raised in order to distract from the real issue on the table, that of 8.8 million children dying every year from causes that could be easily prevented with interventions that cost pennies. Shame on the member. Shame on all of them.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, Canada was about to deport a Guinean national who is in a high-risk pregnancy and has type 2 diabetes. In her condition, there is a serious risk of complications. Deporting a pregnant woman in this condition is absolutely unconscionable.

Will this government, which claims to care about maternal health, make the most of the stay granted by the Federal Court to review its position and avoid exposing this woman and her child to such risks?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I understand the individual's lawyer has filed an application with the Federal Court. I understand that the court has, in fact, granted a stay. The CBSA carries out the orders of the tribunals and the courts. I might indicate that there have already been eight decisions in respect of that particular individual.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, this woman filed a claim for refugee status to escape a husband who mutilated, burned and beat her.

The stay granted by the court will allow her to give birth to her child in Quebec. If the woman were then deported to a country where maternity and health care are virtually non-existent, it would be a death sentence for her and her baby.

Will the government re-examine and postpone the deportation until this woman obtains a response to her application for permanent residence on humanitarian grounds?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the Canada Border Services Agency carries out the orders of the tribunals and the courts. To date there have been approximately eight decisions made by either tribunals or courts.

Oral Questions

Our government will respect the rule of law.

* * *

[Translation]

FORESTRY INDUSTRY

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, after years of crisis and years of laissez-faire policy, the Conservatives have made a great show of announcing a program designed not to help Quebec's forestry industry, but to bury it.

It is too little, too late.

The Conservatives simply written off the Pontiac, Mauricie and Abitibi.

Quebeckers want a federal plan to help the forestry industry get through the crisis.

Why do the Conservatives want to bury Quebec's forestry industry?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, this is unbelievable.

The previous government let the forestry industry operate from 2000 to 2005 with 30% countervailing duties. If we had not acted to fix the agreement with our American partners, every mill in Quebec and Canada would have closed as a result. And now the Liberals are lecturing us. It is unbelievable.

Our government is the one making the biggest investment in the forestry industry. We are proud of that, and we are going to keep on investing in the industry.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, in 2006, the Conservatives trumpeted a bogus deal with the Americans and, ultimately, they killed the industry and tied their own hands.

The Conservatives killed the forestry industry in 2006, and they decided to bury it yesterday.

Clearly, that did not prevent them from taking credit for a historic agreement.

They use fanfare, announcements and posters to hide their incompetence.

Can the Prime Minister give us a better example of the Conservative culture of deceit?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, after the latest budget was tabled, we received a letter from the Forest Products Association of Canada. That letter, which was written on behalf of the association's member companies, thanked the government for the measures announced in the recent federal budget.

What are those companies? AbitibiBowater, Kruger, Tembec, Smurfit-Stone, Cascades and Louisiana-Pacific. That is the entire forestry industry. We do not use workers to score political points. We keep our promises.

● (1440)

[English]

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, we know the Conservative track record on forestry is dismal. The Canadian forestry industry was hit hard during the recession, plus in British Columbia, 20% of trees are dead or dying from pine bark beetle infestation.

The Conservatives promised \$1 billion for the pine bark beetle in their 2006 election platform. Results on the ground: none. It is another example of the Conservative culture of deceit.

What does the Prime Minister have to say to the thousands of laid-off British Columbia forestry workers and their families about this broken promise?

[Translation]

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, nothing could be further from the truth. We made huge investments to tackle the pine beetle crisis.

[English]

Canada's economic action plan is playing a leading role in renewal of the sector. We are also working closely with the industry and the Province of British Columbia and across Canada to help the sector exploit new offshore markets.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, forestry is a very important industry employing thousands of Canadians and it is in need of a hand up, not a hand out. This industry desperately needs loan guarantees as have been provided to other industries.

Now the Conservatives are handing out money to get people to leave the industry. The paper workers union even says that this is piecemeal, too little and too late. The Conservatives are effectively declaring the forestry industry dead.

Has the minister confessed to the forestry companies and their workers that he sees no future for them or their jobs?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we provided \$170 million to help the forestry sector with innovation and marketing. This is what we have to do to help the industry find new markets.

On this side of the House we have a government that is proactive, to ensure the viability and sustainability of the forestry sector.

* * *

FIREARMS REGISTRY

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, the Liberal leader is forcing his members to vote against their conscience and to support the wasteful long gun registry. He refuses to listen to rural Canadians or anyone calling for the end of this boondoggle. Why will he not listen to what is being said about the registry?

Chief Hanson from Calgary has called the long gun registry a placebo, and said that it creates a false sense of security and does nothing to stop gun violence between Calgary gangs. The Saskatchewan justice minister has called the long gun registry a nuisance.

Oral Questions

Could the minister update this House on our measures to scrap the wasteful long gun registry?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the Liberal leader has whipped his members to support the wasteful and ineffective long gun registry by promising to implement unconstitutional amendments to Bill C-391.

I hope those Liberals who voted for Bill C-391 previously will not deceive their constituents by changing their vote merely to satisfy the false promise of the Liberal leader.

As the justice minister in Saskatchewan has said, for rural Canadians the long gun registry is a nuisance.

We hope the NDP will support the bill in the original form instead of following the Liberal-led—

The Speaker: Order. The hon. member for Winnipeg Centre.

* * *

ETHICS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, under the Liberals there was so much traffic between the PMO and well-connected lobby firms that they had a revolving door installed.

The Conservatives promised they would tie a bell around lobbyists' necks when they were skulking around in the corridors of power. But still the most powerful lobbyists in Ottawa are the most senior operatives in the Conservative Party.

The Federal Accountability Act was supposed to clean up the undue influence of well-connected lobbyists. Why did the Conservatives not just send Rahim Jaffer packing when he showed up with his hand out? Why did they continue to meet with him, continue to take proposals and then cover it all up?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I say to my friend from Winnipeg Centre that the Lobbyists Registration Act is an incredibly important piece of legislation.

Everyone, every Canadian who lobbies under the act, is expected to follow the law. If the member has any evidence to suggest someone has not, he should send it to the independent commissioner of lobbying that this government established.

I should be very clear that no government money was given to any individual with respect to the allegations he raises.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, getting to the truth about Rahim Jaffer has been like the dance of the seven veils. The Conservatives reveal tantalizing little tidbits of information about their contacts with Jaffer, but only when it is absolutely necessary and only the very skimpiest of details.

Today they submitted eight thin pages to the committee on government operations. Will they also table the flight log and the expense records of Jaffer's and Guergis' trip to Belize, including all of the costs associated with staff who went with them? If not, why not?

Why was the minister not fired when they learned about going rogue to Belize? Why did they cover up for another eight months until it hit the front page of the newspapers?

● (1445)

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, here is what I do know.

When allegations were brought to the government's attention, the Prime Minister acted immediately. He forwarded all of those allegations to the relevant authorities so that they could make a determination as to their basis.

I say to the member opposite that this is a government of transparency. All of this cabinet's expenses are publicly available on the web. The member knows that. If the member has any allegations he would like to make with respect to anyone, he should take them to the independent authorities so that they can get to the bottom of them.

* * *

[Translation]

FORESTRY INDUSTRY

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, the new diversification measures for communities affected by the forestry crisis are a disappointment to both unions and the industry because they do not address companies' need for liquidity. Renaud Gagné, the CEP Quebec union representative, and Guy Chevette, of the Quebec Forest Industry Council, have condemned the fact that loan guarantees are not among the measures that were announced.

When will the government offer loan guarantees? What is it waiting for?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, yesterday, I was extremely proud to announce that our government will invest \$100 million in helping regions affected by the forestry crisis in Quebec. That \$100 million will help projects like Trebio in the Pontiac, in the Outaouais region, where we made an announcement yesterday about major developments for other regions too. Together, we will succeed thanks to projects like these.

Everyone in Canada—except people belonging to branches of the same party as the member opposite—knows that markets are critical and that we have to work on developing new products. We will keep working on that.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, if the Minister of State for the Economic Development Agency of Canada for the Regions of Quebec wants us to believe that his so-called plan does not include loan guarantees because company executives did not ask for them, he must be from some other planet. The truth is that all stakeholders in the sector, all of the unions, the Fédération québécoise des municipalités and the Bloc Québécois have been asking for loan guarantees for years.

When will the Conservative government give Quebec what it needs?

Oral Questions

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, recently, the president of the Forest Products Association of Canada, Avrim Lazar, gave a speech in our region, Saguenay—Lac-Saint-Jean, in which he said that to survive the forestry crisis, the industry had no choice but to change its business model to extract maximum value from each tree and to integrate bioproducts and bioenergy into production.

Yesterday afternoon, in our region, the vice president of AbitibiBowater said that this could help people who have lots of ideas. We need more good ideas to reach new markets. That is difficult without clients, and there are not a lot of new clients out there these days. Investing money—

The Speaker: The hon. member for Malpeque.

* * *

[English]

AGRICULTURE AND AGRI-FOOD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, yesterday, the Minister of Agriculture and Agri-Food in a set-up question misled Canadians. It is just more of the government's culture of deceit. At that same time, a 27-year-old B.C. farmer before the standing committee stated, "...our current programs agri-stability and agri-invest are not a solution.... The way agri-stability is set up, if you have two or three bad years in a row, that's it, you're done. It's not a helpful program".

Why does the minister continue to make excuses and fail farmers? Will he at least commit to market price insurance as requested for the cattle industry?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, unlike the Liberals who make profound statements from the greater Toronto area, we work with the provinces and territories in a consultative way to conform with farm programs. That work continues to go on. We consult with industry as to the best way forward. We will continue to work with industry and the provinces to bring forward programs that are in the best interests of us all.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, not only does the minister need a lesson from farmers, he needs a lesson in geography. Holland Marsh is in the country in another minister's riding.

Let us get specific. The risk management program in Ontario is designed by farmers to help their cost of production. Our party, the Liberal Party, is committed to agri-flex as originally intended to provide assistance to farmers. Instead, the Conservatives cut funding.

Why is the Conservative government turning its back on Ontario farmers and not supporting the RMP?

● (1450)

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the province of Ontario brought forward the RMP some years ago. It ran it as a pilot project. It was not able to trigger money in a substantive way building on top of agri-stability and now agri-recovery. Of

course that program is completely countervailable. We will never put farmers at risk by making programs that are countervailable. Ontario does have provisions to move forward with that if it wants. Under growing forward it has a 25% allotment of moneys that it can put into those types of programs. There is nothing stopping it.

All the noise from the member for Malpeque about agriculture would certainly be shadowed by a carbon tax that his party wants to bring in.

* * *

OIL AND GAS INDUSTRY

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, since the Deepwater Horizon oil platform caught fire and sank within sight of Louisiana, 160,000 litres of crude oil is being spilled directly into the Gulf of Mexico each and every day. British Petroleum is now desperately trying to drill a relief well to contain this unmitigated disaster. These same oil companies are now asking Canada's National Energy Board to exempt them from having to do the exact same thing in Canada, drill relief wells for their increasingly risky oil drilling in the Arctic.

Will the government ensure the rules will not be bent or broken for any of its friends in big oil?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, the way it works in the Canadian Arctic is that areas are opened up for exploration. The companies are allowed to put forward proposals to drill in those areas. They go through a bidding process in order to get access to that area. They have to adhere not only to the rules that we might build into it in this Parliament, but they also have to work with the Inuit organizations in the area to make sure that we have the best system in the world.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, New Brunswick's labour minister recently asked the Minister of Human Resources and Skills Development to help workers in the crab fishery. Her answer came yesterday. She is refusing to change the employment insurance eligibility criteria to help the 2,500 workers. She is refusing to set up special programs for workers 55 and older and, for over a year now, she has been refusing to meet with New Brunswick's minister.

On April 12, the Minister of Human Resources and Skills Development told the House she would work with the provinces. Will she keep her promise and agree to meet with New Brunswick's labour minister who is here today? Yes or no?

Oral Questions

[English]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, I spoke with Premier Graham this morning and told him that while it is always unfortunate when we are forced to reduce catch rates in a fishery, conservation must be our priority. DFO science advises that if we adopt a conscious approach today, the chances of the stock recovering in 2012 are good.

In the meantime, we will work with the province to help all those affected by this measure.

* * *

AUTOMOTIVE INDUSTRY

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, last year, in addition to financial support, the federal government took steps to support the auto industry as a whole, including investing in communities hardest hit by the recession, building on corporate tax reductions and enabling further investments in productivity-enhancing machinery and equipment.

Last week we heard encouraging news regarding GM's loan repayment. Could the Minister of Industry please inform this place of the progress GM Canada is making today?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, today General Motors announced a further investment of \$235 million in its plant. This follows its third shift in Oshawa and other investments in the CAMI plant as well.

Truly, the auto sector is on the rebound and Canada is taking its rightful place at the forefront.

* * *

AFGHANISTAN

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, on the detainee torture scandal, the government has been obstructing, hiding, redacting and obfuscating. It is turning, twisting and contorting in the Conservative culture of deceit.

It only released 7% of the requested documents to the commission, while hiding others from some censors, censoring the censors, for God's sake.

It is the Conservative culture of deceit run amok. If not, why not call a public inquiry?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, in all circumstances, as indicated, we will provide all legally available documents.

On the bigger question, the government has respected and will respect the laws of the land that were passed by the Parliament of Canada. Why is that always such a problem for the Liberal Party?

* * *

● (1455)

[Translation]

SECURITIES

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, the CEO of the Autorité des marchés financiers, Jean St-Gelais, has strongly condemned the federal government's plans to establish a Canada-

wide securities commission in Toronto. This unfortunate plan would deprive Quebec of an important development tool. Mr. St-Gelais sees only one possible conclusion: Ottawa is trying to control all regulation of Canada's financial sector. Yet the recent agreement with China very clearly shows that the system is working.

Why does the Minister of Finance want to sabotage the AMF? Why does he want to divest Quebec of its financial sector for the benefit of Toronto? Why—

The Speaker: The hon. Minister of Finance.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I thank the hon. member for his question. We are respecting provincial jurisdictions in this matter. We confirmed this in budget 2007, budget 2008, budget 2009 and in this year's budget.

* * *

[English]

STATUS OF WOMEN

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, this year a record number of organizations that have previously qualified for funding from Status of Women Canada have been denied this essential funding for the first time in their histories. This includes groups such as the Canadian Research Institute for the Advancement of Women, Womenspace, the New Brunswick Coalition for Pay Equity and CIAFT, among many more, whose projects meet the qualifying criteria.

Could the minister tell us who is responsible for the arbitrary allocation of funding and why has funding been denied to these eligible groups?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, I am proud to inform the member, in fact, that our government has increased the funding to the women's program to its highest level ever.

However, when it comes to women's rights, I would like to ask the member why members of her party get up and ask questions about our troops in Afghanistan all the time, but never ask about women in Afghanistan. I was recently there. Before we went into Afghanistan, zero women were going to school. Today, over two million little girls are going to school and that is because our troops are there.

The next time members in the NDP get up and ask about our troops, I would like them to recognize all the good work they are doing on behalf of women.

*Oral Questions***DEMOCRATIC REFORM**

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, our Conservative government is always interested in improving and modernizing our democratic institutions so Canadians will continue to have confidence in the democratic process.

Could the Minister of State for Democratic Reform give us an update on the democratic reform initiatives our government is taking?

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, yesterday we introduced legislation that will increase the number of advance polling days by two, including a day where all the polling stations in the country will be open. Moreover, we introduced legislation in the other place, and you may want to sit down for this, Mr. Speaker, where the legislature will encourage provinces to conduct elections of Senate nominees that the Prime Minister will be required to consider when making appointments.

Our government is making Canada—

The Speaker: The hon. member for Vancouver South.

* * *

AFGHANISTAN

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, as I said earlier, we learned today from the commission that 93% of the documents that have been requested have not been disclosed to the commission. The government refuses to level with Parliament and Canadians.

Is this not the Conservative culture of deceit playing havoc with the government's duty of transparency? Why is the government allowing the culture of deceit to prevent the calling of a public inquiry?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as has been repeated numerous times, the government is co-operating with the Military Police Complaints Commission. In fact, today we have evidence from respected Brigadier General Richard Blanchette, who said:

We know full well that Canada's enemies are ready to use that kind of information against our troops that are deployed there. That is why there have been certain delays in producing those documents.

That is very clear. I wish the hon. member would keep that in mind when he is asking for disclosure of some of these items.

* * *

● (1500)

[*Translation*]

BROADBAND CANADA PROGRAM

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, the clock is ticking for the broadband Canada program. Both the Fédération des municipalités du Québec and the RCM of Les Appalaches have criticized the fact that the Conservatives are painfully slow. The project selection should have been announced four months ago.

Will the minister commit to announcing the projects chosen before May 1, to avoid unnecessarily delaying projects in municipalities and RCMs in Quebec?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, we will announce the investments as soon as possible. Obviously, we must consider the possibilities of the broadband Canada program across the country.

[*English*]

I can say to the hon. member that this is part of our commitment to increasing access for rural Canadians, for Canadians in remote circumstances. It is part of our way to make sure that we have a better economy. That is what the economic action plan is all about and that is why we are following through.

* * *

INDUSTRY

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, when hundreds of jobs were cut last year at Xstrata and Vale Inco, violating agreements made under the investment Canada policy, the government did nothing. The do-nothing approach to northern Ontario favoured by Xstrata, Vale Inco and the government is being pursued by others.

In March, Loblaws announced the closure of its warehouse in Sudbury, eliminating 125 jobs. Loblaws has confirmed that it will not even offer the workers, many with 20 to 30 years of service, fair severance.

Will the government condone Loblaws' actions, or will it instead stand up for northern Ontario?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as the hon. member knows, those kinds of issues are appropriate to the provincial legislature.

The hon. member should stand in his place and defend northern Ontarians, but unfortunately he is a member of the NDP. The NDP wants to raise taxes. It wants to reduce investment. It wants to pursue a protectionist policy. That is not good for northern Ontario and it certainly is not good for Canada.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Dr. Shirin Ebadi, Nobel Peace Prize laureate.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw the attention of hon. members to the presence in the gallery of the Hon. Danny Williams, Premier of Newfoundland and Labrador.

Some hon. members: Hear, hear!

PRIVILEGE

PROVISION OF INFORMATION TO SPECIAL COMMITTEE ON THE CANADIAN MISSION IN AFGHANISTAN—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on March 18, 2010, by the hon. member for Scarborough—Rouge River, the hon. member for St. John's East and the hon. member for Saint-Jean concerning the order of the House of December 10, 2009, respecting the production of documents regarding Afghan detainees.

[Translation]

I would like to thank those three members raising these issues. I would also like to thank the hon. Minister of Justice and Attorney General of Canada, the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons, the hon. House Leader of the Official Opposition, and the hon. members for Toronto Centre, Joliette, Windsor—Tecumseh, Yukon, Toronto—Danforth, Outremont and Kootenay—Columbia for their interventions on this important matter on March 18, 25, and 31, and on April 1 and 12, 2010.

The facts that have led the House, and the Chair, to be seized of this case are the following:

On February 10, 2009, the House recreated the Special Committee on the Canadian Mission in Afghanistan. This committee conducted its business in the usual way and began, in the fall of that year, to seek information from the government on the treatment of Afghan detainees.

[English]

On November 27, 2009, the committee reported to the House what it considered to be a breach of its privileges in relation to its inquiries and requests for documents.

On December 10, 2009, the House adopted an order for the production of documents regarding Afghan detainees.

On December 30, 2009, the session in which this order was adopted was prorogued.

• (1505)

[Translation]

On March 3, 2010, when the present session began, the Special Committee was re-constituted and resumed its work. Since Orders of the House for the production of documents survive prorogation, the House Order of December 10, 2009, remained in effect.

[English]

On March 5, 2010, the Minister of Justice rose in the House to announce that the government had appointed former Supreme Court Justice Frank Iacobucci to undertake “an independent, comprehensive and proper review of the documents at issue”.

The minister described Mr. Iacobucci's mandate in relation to the order of December 10, 2009 specifying that the former justice would report to him.

Speaker's Ruling

[Translation]

On March 16, 2010, the Leader of the Government in the House of Commons tabled the specific terms of reference for Mr. Iacobucci.

On March 18, 2010, three members raised questions of privilege related to the order of December 10, 2009. A number of other members also contributed to the discussion.

[English]

On March 25, 2010 and again on April 1 and 26, 2010 the government tabled a large volume of documents regarding Afghan detainees “without prejudice” to the procedural arguments relating to the order of December 10, 2009.

On March 25 and April 1 the Chair also heard interventions from members.

On March 31, 2010 the government responded to the arguments made in relation to the questions of privilege raised on March 18, 2010.

[Translation]

Last, on April 1, and again on April 12, 2010, the Chair heard arguments on the questions of privilege from several members, took the matter under advisement and undertook to return to the House with a ruling.

[English]

Before addressing the arguments brought forward, I want to take this opportunity to remind members of the role of the Chair when questions of privilege are raised.

House of Commons Procedure and Practice, second edition, O'Brien and Bosc, at page 141 states:

Great importance is attached to matters involving privilege. A Member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is *prima facie* (on the first impression or at first glance) a question of privilege. The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion which will have priority over Orders of the Day; that is, in the Speaker's opinion, there is a *prima facie* question of privilege. If there is, the House must take the matter into immediate consideration. Ultimately, it is the House which decides whether a breach of privilege or a contempt has been committed.

[Translation]

As Speaker, one of my principal duties is to safeguard the rights and privileges of members and of the House. In doing so, the Chair is always mindful of the established precedents, usages, traditions and practices of the House and of the role of the Chair in their ongoing evolution. It is no exaggeration to say that it is a rare event for the Speaker to be seized of a matter as complex and as heavy with consequence as the matter before us now.

Because of the complexity of the issues that have been raised, and the large number of lengthy interventions made by hon. members, I have taken the liberty of regrouping the issues thematically in order to address the arguments presented more effectively.

Speaker's Ruling

[English]

The main and most important issue that the Chair must address today concerns the right of the House to order production of documents, including the nature of the right, questions related to the extent of the right and the manner in which the right can or ought to be exercised. All members who have intervened on these matters of privilege have touched on these fundamental questions in one way or another. In addition, the Chair has been asked to determine whether or not the order has been complied with, and if not, whether this constitutes, *prima facie*, a contempt of the House.

[Translation]

A second matter before the Chair is the contention—made primarily by the member for Scarborough—Rouge River—that witnesses were intimidated by answers given in Question Period by the Minister of National Defence and that a letter written by an official from the Department of Justice was contemptuous of the House in setting out for potential witnesses a false basis for refusing to answer questions in a committee of this House.

Arguments were also made in relation to a third theme, namely the form, clarity and procedural validity of the December 10 order of the House. These issues arose when the Parliamentary Secretary to the Leader of the Government in the House of Commons contended on March 31, 2010, that the order of December 10 was fatally flawed in that it seeks documents that he claims can only be obtained by way of an Address to the Governor General. Related issues were brought to the Chair's attention on the same day by the Minister of Justice, who stated, at page 1225 of the *Debates*:

Mr. Speaker, as you will recall, the December order called for uncensored documents. It listed eight different categories of documents to be produced. The order did not specify exactly when such documents should be produced, who should produce them or to whom they should be produced. The order made no reference to the confidential information being protected...

● (1510)

[English]

The fourth theme that the Chair wishes to address concerns the issue of accommodation and trust which a number of members on both sides of the House have raised. Several members have made reference to the need to safeguard confidential information that, in the words of the Minister of Justice, as found at page 7881 of the *Debates* of December 10, 2009, “if disclosed, could compromise Canada's security, national defence and international relations”. More significantly, a number of members have indicated that they wish to find a way to accommodate the desire of the House for information while also accommodating the desire of the government to protect sensitive information.

The first arguments the Chair wishes to address are those related to the form, clarity and procedural validity of the December 10 order.

The Minister of Justice has called into question the clarity of the order. On reading the order, it is abundantly clear to the Chair that it is the government that is expected to produce the documents demanded, and that in the absence of instructions to the contrary, the documents are to be tabled in the House in the usual manner. In this sense the minister and the parliamentary secretary are correct in asserting that no provision is made in the order for confidential

treatment of the material demanded. The Chair will return to this aspect of the question later in this ruling.

[Translation]

As to when the material is to be tabled, the order says very clearly “forthwith”. *House of Commons Procedure and Practice*, Second Edition, at page 475 states:

...if the House has adopted an Order for the production of a document, the Order should be complied with within a reasonable time. However, the Speaker has no power to determine when documents should be tabled.

[English]

As to the procedural validity of the order, as well as its form, the Chair wishes to draw the attention of the House to Bourinot's *Parliamentary Procedure and Practice in the Dominion of Canada*, fourth edition, which states at pages 245 and 246:

Previous to the session of 1876, it was customary to move for all papers by address to the Governor General, but since that time the regular practice of the English houses has been followed. It is now the usage to move for addresses only with respect to matters affecting imperial interests, the royal prerogative or the Governor in Council. On the other hand, it is the constitutional right of either House to ask for such information as it can directly obtain by its own order from any department or officer of the government...papers may be directly ordered when they relate to canals and railways, post office, customs, militia, fisheries, dismissal of public officers, harbours and public works and other matters under the immediate control and direction of the different departments of the government.

As this passage makes clear, an order is issued when seeking papers that fall under the “immediate control and direction of the different departments of the government”. As an example, in the case of the documents related to the Chief of the Defence Staff referred to by the parliamentary secretary, it is simply not credible to claim that these documents are not under the control of the government.

[Translation]

The parliamentary secretary has referred to certain rulings of my predecessors in making his arguments and has also provided additional material in support of his contention. The Chair has examined these precedents—a ruling from 1959 by Mr. Speaker Michener and a ruling from 1982 by Madam Speaker Sauvé—but is not convinced that they directly support the particular circumstances faced by the House in this case.

● (1515)

[English]

A further point to be made on this issue has to do with the documents tabled “without prejudice” so far by the government in response to the order of December 10. The Chair wishes to point out that of the documents tabled, several appear to fall into the categories which the parliamentary secretary claims require an address before they can be produced. In addition, the fact that these documents have been tabled has been cited by the government as a gesture of good faith on its part and an indication that it is complying, to the extent that it feels it can, with the order of December 10.

Speaker's Ruling

[Translation]

Finally, as the member for St. John's East noted, in response to objections raised at the time debate was commencing on the original motion, a decision was rendered that the motion was in order. Consequently, the House went on to debate and decide the matter: the House has expressed its will, and that is where the matter now stands.

I have considered the arguments put forward, and for the reasons stated above, the Chair concludes that it was procedurally acceptable for the House to use an order and not an address to require the production of these documents.

[English]

The Chair will now turn to the allegations related to witness intimidation. The member for Scarborough—Rouge River has contended that the comments made by the Minister of National Defence in reply to a question during oral questions on December 1, 2009, amounted to intimidation. He argued that the minister's contention that the documents in question could be released to the Special Committee on the Canadian Mission in Afghanistan only under the provisions of the Canada Evidence Act was wrong and misleading, obstructed the House and intimidated witnesses, especially armed forces personnel and public servants, thereby lessening the likelihood of their compliance with House requests and orders.

[Translation]

The hon. member for Scarborough—Rouge River also took exception to a December 9, 2009, letter to the Law Clerk and Parliamentary Counsel of the House from an Assistant Deputy Minister from the Department of Justice on the obligations of witnesses before committees, and on the obligation to provide documents ordered by committees. He argued that the letter constituted a contempt of the House by setting out for witnesses a false basis for refusing to provide disclosure to the House or its committees after being ordered to do so. In particular, the member for Scarborough—Rouge River stressed that if the contents of the letter were crafted with ministerial approval, it could constitute a conspiracy to undermine Parliament and the ability of the House to carry on its constitutional functions.

[English]

The government responded that the remarks made by the Minister of National Defence were simply matters of debate and differences of opinion between members. Of the second complaint, the government took the view that the letter from the justice official constituted nothing more than an exchange of views between legal professionals and it could not be construed as “an attempt to intimidate the government witnesses”.

The hon. member for Scarborough—Rouge River had argued that the minister's reply constituted a slander of Parliament's core powers to hold the government to account and thus was a contempt. However, particularly since this exchange between the minister and the member for Vancouver South occurred during question period, I find that I must agree with the parliamentary secretary's characterization of this exchange as a matter of debate.

I have no need to remind the House that freedom of speech is one of our most cherished rights. Although members may disagree with the comments made by the minister, I cannot find that the minister's words in and of themselves constitute witness intimidation, hence nor do they constitute a prima facie contempt of the House.

[Translation]

As for the member for Scarborough—Rouge River's other concern regarding the letter from the assistant deputy minister, the procedural authorities are clear that interference with witnesses may constitute a contempt. *House of Commons Procedure and Practice*, Second Edition, at page 1070, states: “Tampering with a witness or in any way attempting to deter a witness from giving evidence may constitute a breach of parliamentary privilege.”

It is reasonable to assume that a letter signed by an assistant deputy minister, acting under the authority of the Minister of Justice, is an expression of the government's view on an issue, and given that its contents have been widely reported and circulated, the letter could leave the impression that public servants and government officials cannot be protected by Parliament for their responses to questions at a parliamentary committee, when this is not the case.

● (1520)

[English]

Specifically, I would like to draw to the attention of hon. members the section of the letter in question, which the member for Scarborough—Rouge River tabled in the House on March 18, 2010, where the assistant deputy minister lays out a view of the duties of public servants in relation to committees of the House. The letter states:

Of course, there may be instances where an Act of Parliament will not be interpreted to apply to the Houses of Parliament (or their committees). However, that does not mean automatically that government officials—who are agents of the executive, not the legislative branch—are absolved from respecting duties imposed by a statute enacted by Parliament, or by requirements of the common law, such as solicitor-client privilege or Crown privilege.

This is so even if a parliamentary committee, through the exercise of parliamentary privilege, may extend immunity to witnesses appearing before it. A parliamentary committee cannot waive a legal duty imposed on government officials. To argue to the contrary would be inimical to the principles of the rule of law and parliamentary sovereignty. A parliamentary committee is subordinate, not superior, to the legislative will of Parliament as expressed in its enactments.

[Translation]

It does concern me that the letter of the assistant deputy minister could be interpreted as having a “chilling effect” on public servants who are called to appear before parliamentary committees, as contended the members for Scarborough—Rouge River and Toronto Centre. This could be especially so if the view put forth in the letter formed the basis of a direction given by department heads to their employees who have been called to testify before parliamentary committees.

At the same time, it is critically important to remember in this regard that our practice already recognizes that public servants appearing as witnesses are placed in the peculiar position of having two duties. As *House of Commons Procedure and Practice*, Second Edition, states at pages 1068 and 1069:

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"Particular attention is paid to the questioning of public servants. The obligation of a witness to answer all questions put by the committee must be balanced against the role that public servants play in providing confidential advice to their Ministers. ...In addition, committees ordinarily accept the reasons that a public servant gives for declining to answer a specific question or series of questions which...may be perceived as a conflict with the witness' responsibility to the Minister...."

The solution for committees facing such situations is to seek answers from those who are ultimately accountable, namely, the ministers themselves.

[*English*]

It has been argued that there may be a chilling effect, which could come dangerously close to impeding members of committees in carrying out their duties; however, I remind the House that this letter was sent to our Law Clerk, so on balance, I would need to see the use made of this letter, in particular whether it was ever presented to a person who was scheduled to testify before the special committee with the intent of limiting the person's testimony.

As things stand, there does not appear to the Chair to be sufficient evidence for me to conclude that this letter constitutes a direct attempt to prevent or influence the testimony of any witness before a committee, and for these reasons, I cannot find that there is a prima facie question of contempt on this point.

I now turn to the questions of the House's right to order the production of documents and the claim that the government has failed to comply with the order of the House.

The hon. member for Kootenay—Columbia argued that even if the documents were provided to the committee, the committee could not, given their sensitive nature, make use of them publicly. However, I cannot agree with his conclusion that this obviates the government's requirement to provide the documents ordered by the House. To accept such a notion would completely undermine the importance of the role of parliamentarians in holding the government to account.

Before us are issues that question the very foundations upon which our parliamentary system is built. In a system of responsible government, the fundamental right of the House of Commons to hold the government to account for its actions is an indisputable privilege and in fact an obligation.

Embedded in our Constitution, parliamentary law and even in our Standing Orders, it is the source of our parliamentary system for which other processes and principles necessarily flow, and it is why that right is manifested in numerous procedures of the House, from the daily question period to the detailed examination by committees of estimates, to reviews of the accounts of Canada, to debate, amendments, and votes on legislation.

• (1525)

[*Translation*]

As I noted on December 10, 2009, *House of Commons Procedure and Practice*, Second Edition, states at page 136:

By virtue of the Preamble and section 18 of the Constitution Act, 1867, Parliament has the ability to institute its own inquiries, to require the attendance of witnesses and to order the production of documents, rights which are fundamental to its proper functioning. These rights are as old as Parliament itself.

And on pages 978 to 979:

The Standing Orders do not delimit the power to order the production of papers and records. The result is a broad, absolute power that on the surface appears to be without restriction. There is no limit on the type of papers likely to be requested, the only prerequisite is that the papers exist—in hard copy or electronic format—and that they are located in Canada....

No statute or practice diminishes the fullness of the power rooted in the House privileges unless there is an explicit legal provision to that effect, or unless the House adopts a specific resolution limiting the power. The House has never set a limit on its power to order the production of papers and records.

[*English*]

Further, at page 70, Bourinot's 4th edition states:

The Senate and House of Commons have the right, inherent in them as legislative bodies, to summon and compel the attendance of all persons, within the limits of their jurisdiction, as witnesses, and to order them to bring with them such papers and records as may be required for the purpose of an inquiry.

In the arguments presented, the Chair has heard this power described as unabridged, unconditional, unqualified, absolute and, furthermore, one which is limited only by the discretion of the House itself. However, this view is not shared by all and so it is a privilege whose limits have now been called into question.

The government's view is that such an unqualified right does not exist for either House of Parliament or their committees. The executive, the holder of the sensitive information sought by the House, has competing obligations. On the one hand, it recognizes that there is an expectation of transparency so that government actions can be properly monitored to ensure that they respect the law and international agreements. On the other hand, the government contends that the protection of national security, national defence and international relations demand that some information remain secret and confidential, out of the reach of those obliged to scrutinize its actions and hold it to account.

In his March 31 intervention, the Minister of Justice quoted from the 1887 parliamentary treatise of Alpheus Todd to support the view that "a due regard to the interests of the State, occasionally demand... that information sought for by members of the legislature should be withheld, at the discretion and upon the general responsibility of ministers".

The minister also cited Bourinot in 1884, observing that the government may "feel constrained to refuse certain papers on the ground that their production would be...injurious to the public interest". Had he read a little further, he might have found the following statement by Bourinot at page 281:

But it must be remembered that under all circumstances it is for the house to consider whether the reasons given for refusing the information are sufficient. The right of Parliament to obtain every possible information on public questions is undoubted, and the circumstances must be exceptional, and the reasons very cogent, when it cannot be at once laid before the houses.

[*Translation*]

As the members for Saint-Jean and Joliette commented on March 25, 2010, Bourinot's Second Edition notes that even in instances where a minister refuses to provide documents that are requested, it is clear that it is still ultimately up to the House to determine whether grounds exist to withhold documents.

Bourinot, in referring to procedures for notices of motions for production of papers, wrote at pages 337 and 338:

• (1530)

[English]

Consequently, there are frequent cases in which the ministers refuse information, especially at some delicate stage of an investigation or negotiation; and in such instances the house will always acquiesce when sufficient reasons are given for the refusal...But it must be remembered that under all circumstances it is for the house to consider whether the reasons given for refusing the information are sufficient.

[Translation]

Joseph Maingot's *Parliamentary Privilege in Canada*, Second Edition, also supports the need for Parliament to have a voice in these very matters when it states at page 190:

The only limitations, which could only be self-imposed, would be that any inquiry should relate to a subject within the legislative competence of Parliament, particularly where witnesses and documents are required and the penal jurisdiction of Parliament is contemplated. This dovetails with the right of each House of Parliament to summon and compel the attendance of all persons within the limits of their jurisdictions.

[English]

Similarly, in *Erskine May*, 23rd edition, in a discussion of the exclusive cognizance of proceedings at page 102, we find the following:

...underlying the Bill of Rights [1689] is the privilege of both Houses to the exclusive cognizance of their own proceedings. Both Houses retain the right to be sole judge of the lawfulness of their own proceedings, and to settle—or depart from—their own codes of procedure. This is equally the case where the House in question is dealing with a matter which is finally decided by its sole authority, such as an order or resolution, or whether (like a bill) it is the joint concern of both Houses.

In David McGee's *Parliamentary Practice in New Zealand*, second edition, at page 621 he asserts, "The Australian legislation", referring to the Parliamentary Privileges Act, 1987, "in respect of article 9 of the *Bill of Rights*...may be taken to indicate the types of transactions falling within the term 'proceedings of Parliament'"

He then goes on to state that such proceedings to which privilege attaches include "...the presentation of a document to a House or a committee..."

Ogden's *Australian Senate Practice*, 12th edition, at page 51 states clearly:

Parliamentary privilege is not affected by provisions in statutes which prohibit in general terms the disclosure of categories of information...

Statutory provisions of this type do not prevent the disclosure of information covered by the provisions to a House of the Parliament or to a parliamentary committee in the course of a parliamentary inquiry... They...do not prevent committees seeking the information covered by such provisions or persons who have that information providing it to committees.

In light of these various authorities, the Chair must conclude that the House does indeed have the right to ask for the documents listed in the order of December 10, 2009.

With regard to the extent of the right, the Chair would like to address the contention of the Minister of Justice, made on March 31, that the order of the House of December 10 is a breach of the constitutional separation of powers between the executive and the legislature.

Having noted that the three branches of government must respect the legitimate sphere of activity of the others, the minister argued

Speaker's Ruling

that the order of the House was tantamount to an unlawful extension of the House's privileges. This can only be true if one agrees with the notion that the House's power to order the production of documents is not absolute. The question would then be whether this interpretation subjugates the legislature to the executive.

It is the view of the Chair that accepting an unconditional authority of the executive to censor the information provided to Parliament would in fact jeopardize the very separation of powers that is purported to lie at the heart of our parliamentary system and the independence of its constituent parts. Furthermore, it risks diminishing the inherent privileges of the House and its members, which have been earned and must be safeguarded.

As has been noted earlier, procedural authorities are categorical in repeatedly asserting the powers of the House in ordering the production of documents. No exceptions are made for any category of government documents, even those related to national security.

Therefore, the Chair must conclude that it is perfectly within the existing privileges of the House to order production of the documents in question. Bearing in mind that the fundamental role of Parliament is to hold the government to account, as the servant of the House and the protector of its privileges, I cannot agree with the government's interpretation that ordering these documents transgresses the separation of powers and interferes with the spheres of activity of the executive branch.

• (1535)

[Translation]

But what of the House's responsibility regarding the manner in which this right can or ought to be exercised? The authorities cited earlier all make reference to the long-standing practice whereby the House has accepted that not all documents demanded ought to be made available in cases where the Government asserts that this is impossible or inappropriate for reasons of national security, national defence or international relations.

O'Brien and Bosc, at page 979, states: "—it may not be appropriate to insist on the production of papers and records in all cases."

The basis for this statement is a 1991 report by the Standing Committee on Privileges and Elections, which, as recorded on page 95 of the *Journals* of May 29, 1991, pointed out:

The House of Commons recognizes that it should not require the production of documents in all cases; considerations of public policy, including national security, foreign relations, and so forth, enter into the decision as to when it is appropriate to order the production of such documents.

[English]

In his comments on this aspect of the matter before us, the Parliamentary Secretary to the Leader of the Government in the House of Commons referred to my ruling of June 8, 2006, where I stated that national security, when asserted by a minister, was sufficient to set aside a requirement to table documents cited in debate. The examples cited by the parliamentary secretary related strictly to documents that have been cited by a minister in the absence of any other explicit expression of interest by the House in the said documents.

Speaker's Ruling

[Translation]

Having reviewed the June 8 ruling, it is clear to the Chair that there is a difference between the practice of the House which allows a minister, on the sole basis of his or her judgment, to refrain from tabling a cited document for reasons of confidentiality and national security, and an order, duly adopted by the House following notice and debate, requiring the tabling of documents.

Another important distinction between the order adopted by the House on December 10, 2009, and the practice respecting notices of motions for the production of papers, referred to by the member for St. John's East on April 12 is that, with respect to such notices, there is an opportunity for a minister or parliamentary secretary to indicate to the House that the notice is acceptable to the government subject to certain reservations, such as confidentiality, or national security.

[English]

Thus the House, prior to the adoption of the motion, is fully aware that some documents will not be produced if the motion is adopted. If the House does not agree, the motion must either be transferred for debate or be put immediately to the House without debate or amendment.

Something similar happened on December 10, 2009. Before the House voted on the motion that became an order to produce documents, the ministers of justice, national defence and foreign affairs all rose in the House to explain the reasons why the documents in question should not be made available. This is in keeping with what Bourinot refers to as the government's responsibility to provide "reasons very cogent" for not producing documents.

Under normal circumstances, reflecting on past history in the House, these assertions by the government might well have been found to be acceptable by the House. In the current circumstances, however, the reasons given by the government were not found to be sufficient. The House debated the matter and voted to adopt an order for the production of documents despite the request of the government.

The reason for this, it seems, has to do with the issue of accommodation and trust. On December 10, 2009, as found on page 7877 of the *Debates*, I stated:

It is unfortunate, if I may make this comment, that arrangements were not made in committee to settle this matter there, where these requests were made and where there might have been some agreement on which documents and which format would be tabled or made available to members. How they were to be produced or however it was to be done, I do not know, but obviously that has not happened.

[Translation]

Several members have made the point that there are numerous ways that the documents in question could have been made available without divulging state secrets and acknowledged that all sides in the House needed to find a way to respect the privileges and rights of members of Parliament to hold the government to account, while at the same time protecting national security.

The government, for its part, has sought to find a solution to the impasse. It has appointed former Supreme Court Justice Frank Iacobucci and given him a mandate to examine the documents and to

recommend to the Minister of Justice and Attorney General what could be safely disclosed to the House.

The government has argued that in mandating this review by Mr. Iacobucci, it was taking steps to comply with the order consistent with its requirements to protect the security of Canada's armed forces and Canada's international obligations.

However, several members have pointed out that Mr. Iacobucci's appointment establishes a separate, parallel process outside of parliamentary oversight, and without parliamentary involvement. Furthermore, and in my view perhaps most significantly, Mr. Iacobucci reports to the Minister of Justice; his client is the government.

● (1540)

[English]

The authorities I have cited are unanimous in the view of the House's privilege to ask for the production of papers and many go on to explain that accommodations are made between those seeking information and those in possession of it to ensure that arrangements are made in the best interests of the public they both serve.

Certainly from the submissions I have heard, it is evident to the Chair that all members take seriously the sensitive nature of these documents and the need to protect the confidential information they contain.

The Chair must conclude that it is within the powers of the House of Commons to ask for the documents sought in the December 10 order it adopted. Now it seems to me that the issue before us is this: Is it possible to put in place a mechanism by which these documents could be made available to the House without compromising the security and confidentiality of the information they contain? In other words, is it possible for the two sides, working together in the best interests of the Canadians they serve, to devise a means where both their concerns are met? Surely that is not too much to hope for.

The member for Toronto Centre has made a suggestion, as recorded on page 615 of the *Debates* of March 18, 2010:

What we believe can be done is not beyond the ability of the House. It is done in many other parliaments. Indeed, there are circumstances under which it has even been done in this House. It is perfectly possible for unredacted documents to be seen by members of Parliament who have been sworn in for the purpose of looking at these documents.

O'Brien and Bosc, at page 980, points to ways of seeking a compromise for members to gain access to otherwise inaccessible material:

Normally, this entails putting measures in place to ensure that the record is kept confidential while it is being consulted: *in camera* review, limited and numbered copies, arrangements for disposing of or destroying the copies after the committee meeting, *et cetera*.

In some jurisdictions, such as the Legislative Council in the Australian state of New South Wales, and I would refer members to *New South Wales Legislative Council Practice* by Lovelock and Evans at page 481, mechanisms have been put in place, which satisfy the confidentiality concerns of the government as well as those of the legislature. Procedures provide for independent arbiters, recognized by both the executive and the legislature, to make determinations on what can be disclosed when a dispute arises over an order for the production of documents.

Government Orders

[Translation]

Finding common ground will be difficult. There have been assertions that colleagues in the House are not sufficiently trustworthy to be given confidential information, even with appropriate security safeguards in place. I find such comments troubling. The insinuation that members of Parliament cannot be trusted with the very information that they may well require to act on behalf of Canadians runs contrary to the inherent trust that Canadians have placed in their elected officials and which members require to act in their various parliamentary capacities.

The issue of trust goes in the other direction as well. Some suggestions have been made that the government has self-serving and ulterior motives for the redactions in the documents tabled. Here too, such remarks are singularly unhelpful to the aim of finding a workable accommodation and ultimately identifying mechanisms that will satisfy all actors in this matter.

• (1545)

[English]

But the fact remains that the House and the government have, essentially, an unbroken record of some 140 years of collaboration and accommodation in cases of this kind. It seems to me that it would be a signal failure for us to see that record shattered in the third session of the 40th Parliament because we lacked the will or the wit to find a solution to this impasse.

The House has long understood the role of the government as “defender of the realm” and its heavy responsibilities in matters of security, national defence and international relations. Similarly, the government understands the House's undoubted role as the “grand inquest of the nation” and its need for complete and accurate information in order to fulfill its duty of holding the government to account.

Examples have been cited of mechanisms that might satisfy the competing interests of both sides in this matter. In view of the grave circumstances of the current impasse, the Chair believes that the House ought to make one further effort to arrive at an interest-based solution to this thorny question.

Accordingly, on analyzing the evidence before it and the precedents, the Chair cannot but conclude that the government's failure to comply with the order of December 10, 2009, constitutes prima facie a question of privilege.

I will allow House leaders, ministers and party critics time to suggest some way of resolving the impasse, for it seems to me we would fail the institution if no resolution can be found. However, if in two weeks' time, the matter is still not resolved, the Chair will return to make a statement on the motion that will be allowed in the circumstances.

In the meantime, of course the Chair is disposed to assist the House in any way it can, and I am open to suggestions on any particular role that I as your Speaker can play.

I thank the House for its attention.

MESSAGE FROM THE SENATE

The Speaker: I have the honour to inform the House that a message has been received from the Senate informing the House that the Senate has passed the following public bill, to which the concurrence of the House is desired: Bill S-210, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament).

GOVERNMENT ORDERS

[English]

BALANCED REFUGEE REFORM ACT

The House resumed from April 26 consideration of the motion that Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, be read the second time and referred to a committee.

Ms. Libby Davies: Mr. Speaker, I rise on a point of order. Because of what happened, we did not quite catch what you just said in terms of the bill being debated. Would you mind repeating that, please?

The Speaker: I was calling for debate. We are ready to start a new speech on Bill C-11.

Ms. Libby Davies: Mr. Speaker, could you clarify why we are not returning to routine proceedings? We were at motions, but we had not yet gotten to petitions. Are we to go back to petitions before we go back to Bill C-11?

The Speaker: I am sure the hon. member for Vancouver East knows that when the whole morning is expended on that, we go straight to government orders after question period. We are now in government orders discussing Bill C-11. We will have to wait for petitions and answers to questions tomorrow, difficult as that may be.

Resuming debate with the hon. member for Parkdale—High Park.

• (1550)

[Translation]

Mr. Gerard Kennedy (Parkdale—High Park, Lib.): Mr. Speaker, I am very pleased to speak to this debate on refugee status in Canada.

[English]

We have in front of us a very fundamental bill, a bill that is not just about how we treat refugees but how we consider ourselves.

I want to say at the outset that we want to see the backlog dealt with, we want to see a way of reducing the number of people who make claims that are not accurate or false and we want to see fairness and speed put into the system. However, there are fundamental questions.

[Translation]

Is this a reform bill? Does it ensure fairness and balance?

Government Orders

[English]

The fundamental thing that we need to arrive at as a Parliament, and as a committee when it gets there, is whether the government is engaged in fairness and balance in reform, or whether it is just mining a weariness on the part of Canadians and cultivating the wrong idea about who is taking advantage. Is this a bill that can move forward when it is admittedly something of an intractable problem over some period of time, or is it simply a cover for lack of effectiveness on the part of the minister and on the part of the government?

For example, the crux of the bill is to contend with the backlog of refugees claiming the protection of Canada and yet the government has allowed compassion to be denied because it has been so delayed. This has caused thousands of people to have a shadowy existence in our communities, with no real status and trying to find a resolution to how they are being regarded.

Two-thirds of the current backlog of refugees comes from the government's action and inaction. When we look at the presumption that somehow we need a law to change things, we also need a government that is committed to treating people fairly, equitably and in a manner that actually respects their rights. Currently, 60,000 are waiting for that treatment and 40,000 of them were put there by the government and by the minister. It is very important that people understand that in some ways we need to evaluate that. The government was busy replacing every appointee of the previous government, no matter how qualified, with its own highly partisan replacement. We need to ask ourselves why else the government was taking its time. Was it trying, as some of its ideological colleagues have done in other jurisdictions, to create a crisis that would then be stampeded into having to be reckoned with?

What is worrisome is that the government's behaviour today belies some of the goodwill that it says it wants to generate in the House and in subsequent considerations at committee. It is worrisome that the government has, at different times, taken sweeping aim at anybody who has disagreed with the bill, trying to discredit the dialogue and the opposition on it. The government is limiting debate. It is forcing it to second reading and not considering hearings after first reading. The test will be how it behaves from here on in, because there are fundamental issues at root here on which Canadians need to be heard. They need not to have this debate put on artificial timetables. I just want to outline some of those for the House and for the people who will, I believe, pay fundamental attention when they realize exactly what is at stake.

We need to step back and realize that the whole idea of acknowledging refugees is based on their individual claims. In the name of convenience, in order to get rid of some of the problems in processing, the bill would take that away from whole groups of people. Refugees would no longer be considered by Canada for protection on their individual merit, but rather governed in large part from what country they came from. That has huge ramifications for legitimate people claiming and needing the protection of Canada.

Instead of actually finding a better way to run the system, the government is proposing a shortcut and one that short-circuits the consideration for people in terms of the fundamental reason they are appealing to us. The bill could cause thousands upon thousands of

people to end up going underground because it would not give them the consideration they are looking for.

In the bill there is a tremendous tendency to give arbitrary powers to the minister to create something called a safe country. It is not referred to in the bill. There is no definition of what is safe. There is no definition about how we would find out whether that country was safe or not. Even in democratic states, it does not consider what could happen to certain minorities that are being subject to persecution. The minister only would have a say, with no check or balance, because the government wants to avoid the determination of a country of risk to be something that could be appealed.

In the context of doing that, it would set it outside of the reach of anyone. Neither the courts nor this House, no one could comment on the designation of countries. That is a first time event as a way of dealing things and it smacks of convenience, not of a real goodwill effort to try to deal with the problem. The arbitrariness that could happen there would undermine the reason to have the system in the first place.

I would put forward, for example, Gustavo Gutierrez, a police chief from Mexico who has a well-founded threat of prosecution and who has difficulty being heard. Even under the current system, Mexico, presumably, would be declared a safe country of origin and he would not even get a hearing. He comes from a state where nine police chiefs have been killed.

● (1555)

Mr. Gutierrez has been trying to uphold the law in parts of Mexico, where the law has become almost impossible to uphold, in the face of some of the anarchy that is happening either by organized crime or by the misplaced efforts of states to deal with things, and the gross violations of human rights that have been well-documented. This House will get a chance to consider some of these as we bring some of these people forward.

I want to touch on some of the specific provisions.

In terms of getting a hearing, it would be terrific if it could be done in eight days and it could meet the test of fairness but the people coming forward would not have any access to counsel. Somebody who manages to come here from a country like Iran or some other place where he or she has been tortured in a prison will need to deal with his or her own case within eight days and go in front of an official who is only responsible to the minister who devised the system. This certainly has to ring alarm bells for people concerned with justice and a fair process.

Those who were listening closely to the speech given by my colleague from Vaughn would have heard a very clear articulation of what happened in the United Kingdom when it did this very thing, when it made the front line response come from bureaucrats. Tens of thousands of cases ended up going to appeal and 23% of those cases, almost one-quarter of them, were upheld at appeal.

The appeal rate at the court of appeal in Canada is only 1% successful. Our courts will be plugged the way the courts are plugged in the United Kingdom. The United Kingdom has an 18 year backlog as a result of adopting a system very similar to the one that the Conservative government is bringing forward.

Government Orders

It is at least worth asking these fundamental questions here in the House and in committee. The minister himself cited in his speech that we have made mistakes in the past, that we have refused people who should have been able to come to Canada. In the run up to World War II, entire groups of people were turned away.

We know the problem with labelling people a certain way and then not accepting them. This House should not repeat that mistake. We need to fix the system, not because we will get a pat on the back from weary people out there who want the so-called refugee system fixed, but because people in here will stand on principle, roll up their sleeves and do the hard work. We need to ensure that this House does not become the House that does a sloppy repair to a system that needs attention.

When people ask why this did not get fixed, I think everyone in this House and everybody watching knows the answer. It is because refugees are perhaps the most powerless group in this country. They are not able to articulate for themselves. If we do not do this carefully, prudently and in alignment with principles, they will get left out of this equation.

This is not about the convenience of the rest of us. The character of a country, the character of a political party and, indeed, the character of all of us in public life is told by how we attend to the quiet noises, to the things that happen when no one is paying attention.

I would like to think that Mr. Gutierrez and others can depend on us to bring forward significant amendments to this bill or to not bring this bill all the way through the House. We stand at the precipice of getting rid of individual assessments and denying people on humanitarian and compassionate grounds.

I can see the genesis of this bill. Some may look at how many people make claims but we must understand that when people make a refugee claim, they need to make a choice. Will they have a chance under that system? Will they have a chance on humanitarian or compassionate grounds? Under this bill we would have to make that an absolute choice. People would not be able to appeal on humanitarian or compassionate grounds if their refugee claim was rejected even though there are different considerations there. Even if they make the choice for door number two and take humanitarian or compassionate grounds, they could be deported from this country before their case is heard. Under the present government, it takes over three and a half years to hear from people with legitimate humanitarian or compassionate claims.

If this is a sincere effort to reform the system, where is the reform of the people who are the middlemen, the false arbiters of hope who are making huge amounts of money here in Canada and in places abroad by bringing people here to abuse the system? Where is the effort to actually focus on where people are coming from in the first place? Rather than trying to arbitrarily label people for our convenience, why are we not trying to fix the system?

If we are being frank in this House, what is happening with the changes to the IRB, a politicized system? By the minister's own admission, that system held up at least 25,000 applicants because of delays he created by hand-picking his own partisan cronies to sit on the actual panels. There is an ideological bent that is discernible.

The Colombia free trade agreement has been discussed in the House and suddenly all claimants from Colombia are having tremendous difficulty.

● (1600)

We need to fix this. There need to be independents sitting in front of people. We are conveying a chance to be part of this wonderful country and we dishonour that if we do not do that in full, good faith. We need to do that with people who have no other answerability, no other accountability than doing a good, fair and just job.

That cannot happen if the bureaucrats are responsible to the minister. For my money, it cannot happen by appointed people whose only pleasure is whether or not they keep the minister in power happy with their performance.

There needs to be a turn taken. We should use the bill to reform that system. I ask the question, why in the House, and we need to repeat it again in committee, are we not taking on the people who bring people to Canada, who instruct them and counsel them falsely to break the rules? Why are there no penalties for that in the bill? We want to avoid visas for innocent people. We should be looking at systems that bring people to us rather than just reacting. The bill only gives us the capacity to react.

There are things in the bill that we do need. There does need to be an appeal process. We need to relieve some of our court system by getting a fair appeal process in place, but that is going to be denied to a very large number of people who will be screened out. They will be screened out on criteria that do not exist in the bill. They will be the criteria determined by the minister of the day who will have imperfect information.

I challenge the members opposite. Let Amnesty International, let the United Nations Convention on the Rights of Refugees, let someone objective set those labels if they must have them for those countries, but do not have it as part of our diplomacy or our economic relations because Canada's standing, which the minister relied on as part of his moral authority bringing the bill in, will be lost.

We may accept 10,000 or 11,000 people a year, but we cannot just do that where it is convenient for us. Human rights is not necessarily convenient and many of us are here because of our heritage, a million people who were accepted as refugees in this country. The only way to honour that heritage is to create a bill and amendments to this bill that are really going to follow the footsteps of what has gone on before.

This has been framed with the idea that there will be new quotas, that there will be an increase in the number of people who will be welcome. That is a chimera off in the distance. It is not to be found in the bill. The idea that we are going to accept additional people is nowhere to be found.

In the 2010 budget there is no extra money. So the minister has committed in the House that he would be fixing the backlog in tandem with these new rules, but he does not have the fiscal ability to fulfill that promise.

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On the government side, it really bespeaks a certain kind of challenge for the public and for people everywhere in terms of being able to believe that this is a goodwill real reform, or fairness and balance in the system. Or is it just something the government wants to make it look like it is being tough on, a certain class of immigrants who cannot speak for themselves, for whom every person elected to this place has a special responsibility, not because they can vote for us but because they cannot, not because they can donate to us but because they do not have a lot of means.

We cannot fail the people who have gone before us and create a mess of a system simply because we did not meet the challenge of having it better run. A government that let the backlog triple should come to the House with humility. What it needs is some assistance. It needs the best ideas to come forward from those who are housing, sheltering and representing real refugees in this country. It needs to hear about the systems of deceit that are out there, counselling, aiding, abetting and scalping people who have gone through tremendous trauma of their resources or bringing people in to make false claims under false assumptions.

That is what should be targeted here. It is not to be found in the bill and I wonder why not. Why can we not take on the shady consultants? Why can we not take on the people who are mocking the compassion of Canada? Why do we not protect Canada's compassion before it wears out rather than trade on it for changes that on the face do not seem to really go to the root of where this problem has come from: not having enough people in place, not having enough resources, and ultimately not sending the right signals out to countries of origin where people are coming from.

There are even in countries that we respect and admire exceptions for humanitarian and compassionate grounds and even people who can be persecuted for their status, whether as women or sexual minorities. Those things need to be considered because they are part of our values: to have as broad as possible a tolerance for people and to accept that as a basis for being able to be here. There are different definitions for that, that need to be entertained, and a one size fits all which could come with some of the provisions of the bill would really give us difficulty.

• (1605)

The minister, in his remarks, stated that we would not be increasing detention, which happens in a lot of other countries that have this system. It is not in the bill, but his sticker promise is a 60-day turnaround for hearings. How, but through detention, will he be keeping track of people for that period of time?

We need clear talk on the part of the government. Is it planning to put tens of thousands of refugees in some form of detention centres on their way to these streamlined hearings? That is the experience of other countries and it is what happens when they artificially and conveniently try to manage this flow of people instead of trying to understand it and finding principled ways to separate it.

If we had the right of counsel at the beginning, answerable to independent people, that would be a means to have a trustworthy way of weeding out good and bad cases, or at least understanding that the people who are applying have their documentation in order and they are not surrendering rights, which will be applied for anyway.

Why should we be passing this on to the much more expensive system of the courts? Why should we be putting people through the vagaries of that kind of process, when we could be fixing it right here, in this House, in committee?

There are people out there who are discouraged by the manner in which the government has come forward, that there has not been a real openness to listen. The Canadian Bar Association refugee lawyers and Amnesty International issued a statement today saying how disappointed they were that they are not going to get a chance to get at, what again I started my remarks with, which are the principles underlying this, because once we go to second reading, we are not able to discuss the principles of the bill. I would say that the principles of this bill are either very hard to find or they are founded on a skewed idea of why we have this welcome system in the first place.

We need to accept proper refugees. We need to not have the system be clouded and corrupted by false claims, but to do that, there needs to be a system of management.

[*Translation*]

We need a welcome system that respects the rights of all citizens, but first we must establish the targets of this program.

[*English*]

We have to have the refugee in mind because this is not a group of people who will otherwise be present in this place. We need a time for reflection that need not get in the way of this longstanding problem being resolved, but we cannot rush this and feel like this place is functioning the way it should. There are certain matters that need delicate handling.

Most of us do not come from backgrounds of people who have been persecuted. Most of us do not understand what it is like to be part of 10.5 million real, genuine refugees worldwide. The fact that we are taking on 10,000 of them should be a credit to us. If we end up excluding people, as we have, whether it was inadvertently due to a misunderstanding or a social conception that we did not come to terms with in the past, as we did with Jews trying to get admitted to the country before the second world war, as we did with Sikhs seeking refuge from India, as we did with other people, then we will not give honour to this place or to the values that are supposed to be reflected in this bill in the first place.

My challenge to the government is not to accept any blame but to rise to what is required here, an openness, an unlimited number of hearings in the sense of not being artificially restricted, a reasonable amount of time for Canadians to be heard on this, for the refugees themselves to be heard, and for us to deal with this complex matter in a way that brings honour to ourselves but also to the courage of the people that we want to admit as new Canadians.

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•(1610)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, one of the key elements concerning me about this new refugee bill and what is missing in it is that when we look at the refugee boards, those are life and death decisions that are being made and if they are being made incorrectly, the damage obviously to the families who go before them will be very serious.

I am concerned about the issue of how these people are chosen because we know that one of the key elements of the Federal Accountability Act was that the government was going to put in place a commissioner for appointments, so that we would not just have party pals, party volunteers, party bagmen and party hacks put into these positions. We see that the Conservatives love putting their pals in everything from the Senate all the way down to all kinds of appointment boards, yet it has failed to bring in this element.

I would ask my colleague, does he agree with me that when it comes to the refugee boards, we need to have people who are chosen because they understand the issues, because they are not simply going to be doing political favours for the government, and whether or not we need to push the government to have independent people chosen and not just political appointees?

Mr. Gerard Kennedy: Mr. Speaker, the short answer would be, yes. There was the work done by the hon. member for York West in terms of setting up criteria and screening to ensure that people would be not just credible but trained and effective at doing this. I spoke to someone at a refugee hearing this afternoon, though, and this individual is fundamentally discouraged that we are not getting the trained and qualified people sitting at the IRB.

Again, this is a moral equation. These people need to be able to represent us in a knowledgeable and thorough way. This is our discretion being exercised. That has to be paramount. I think a further, complete degree of independence should be in this bill. I would join my colleague and others in the House to entertain that as the kind of amendment that we can bring forward to make this a workable reform.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I am sorry to have missed the member's speech. I was not aware that we were up on debate this afternoon, but I appreciated his comments. I will review them closely.

I have a couple of quick remarks in response to the previous intervention. In point of fact, the previous government introduced a screening process that was improved by the current government. The member might be interested to know that all those people who apply for membership on the IRB go through a rigorous pre-screening process in an independent committee at the IRB before they are recommended to the minister. Only one out of every 10 candidates who apply for the IRB are recommended to the minister, without any consideration of their political background.

According to the official opposition research bureau, of the 99 people who I have appointed or recommended for appointment or reappointment to the IRB, all of whom went through that objective process, I think that five had ever given a contribution or been remotely associated with the Conservative Party. That is fewer than

5% of the appointments for a party that has the support of 30% to 40% of Canadians.

I think we have depoliticized the process. We depoliticize it even further by appointing highly trained, independent public servants situated at the IRB, like at the immigration division of the IRB, that will be making the decisions at the refugee protection division.

I just wanted to make one comment quickly with respect to a remark made by the member for Parkdale—High Park. He suggested that we are now on the precipice of the end of individual assessments in the reforms that we are proposing.

Nothing could be further from the truth. Every single decision made under the proposed reforms would be on the individual merits of the claim before an independent decision maker at the independent quasi-judicial IRB, at an oral hearing considering the merits and credibility and the evidence that is tabled, with access to the new appeal division that was never brought in by the previous Liberal government.

I have appreciated the co-operation of my official opposition critic, but the member for Parkdale—High Park was a member of a party that refused to bring in the appeal division that we are now proposing. Not only does this meet our domestic and international legal obligations, but it actually exceeds them. This is a very important debate, so we should be responsible and stick to the facts. There is nothing in this bill, including the country of origin designation, that would in any way prejudice the consideration of a case on its individual merits.

•(1615)

Mr. Gerard Kennedy: Mr. Speaker, I would hope that the minister would agree, on reflection, that it all depends who is hearing from individuals on whether they are really getting individual consideration, if there is no right to counsel, if there is inadequate time to prepare their case, if there is not a way to express themselves or to be considered because their country of origin denied them the right to appeal, or if they really should have been a humanitarian and compassionate case, but they will not get that for a year.

These have the possibility and the high prospect of being arbitrary decisions that take away the individual assessment to the degree that it exists today. There is a harder road to go, but I am glad to hear the minister say that he is claiming this high value of independence. I want to take that at face value because that means that he would be open to amendments that would make the IRB thoroughly independent and out of the reach of political parties.

That is the kind of thing that would begin to shape the building blocks of trust for this. This should not be subject to only partisan consideration. It should be one where the merits are clear and conspicuous. In terms of who will get to hear the hearings, he has to reflect on the experience of Great Britain in terms of clogging up the appeal process. When we are simply hearing from front line bureaucracy, there is a prospect of trying to please the minister that then turns out to foster a huge number of appeals.

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That is not the kind of reform that would be fair or equitable or would address what we want to accept. If the minister wants to see things fair and fast, he needs to slow down only long enough to ensure that these things will actually work. I think it is encouraging if the minister is at least acknowledging that he would be open to making some of those fundamental changes.

For my part, I am happy to be open to see it proven. I think the questions I am raising are all legitimate, but I would welcome the changes that I have talked about and would laud them from the minister.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I was essentially going to comment that I sat through all of the speeches yesterday. I know the minister was here, which was a bit of a surprise and certainly welcomed. He was complimented in the House many times yesterday for being here. In fact, he took the first question with all of the speakers.

There were some points in the member's speech that I wanted to clarify in light of what the minister said yesterday, but I am certain that he can clarify them for the member by perusing *Hansard*.

The whole issue of the safe country of origin is also a concern to our critic, and we talked about that yesterday. The minister was straight up front in saying that he welcomed amendments to the bill at committee and that even in the area of safe country of origin, there were aspects to that particular mechanism that perhaps should be explored a little bit further. That certainly could be done at committee. If the two members talk to each other, the member will get some of his questions answered.

He is blaming the backlog exclusively on the government, but it was reported yesterday by several speakers that in fact 20,000 people were in the line under the previous Liberal government, so we have to get a balance here. It is unfair to say the Conservatives are 100% responsible. The Liberals should take their fair share of responsibility for the current situation, and I want to leave it at that.

The Acting Speaker (Mr. Barry Devolin): Before I go to the member for Parkdale—High Park, I want to remind all hon. members that we ought not to refer to colleagues as being in or not in the House, even if it is done in a complimentary manner.

The hon. member for Parkdale—High Park.

Mr. Gerard Kennedy: Mr. Speaker, I thank the member for elaborating some of the minister's comments for him. I think that was helpful, but in the main it is a question of how we can stand on guard here in the House.

It is tempting to look for easy solutions. If there is a way to put definitions in, we still have to ask ourselves a question: can we have a safe country? Can we actually make a definition that will work? That is what the test is for the House.

In doing so, what are the byproducts? What are the consequences? What otherwise safe countries might still have people subject to persecution? That is what we cannot be afraid to hear over the coming weeks.

I saw the minister's remarks. He said he would put some of those criteria in legislation. That is the kind of thing that would start to bring comfort to people, but we need to make sure this is not about

shortcuts. There is a welling up in this country that wants us to be effective and intelligent in our compassion, but they will punish us severely if we end up adopting the wrong measures.

I am not calling into question the minister's sincerity. I am simply saying that this bill is a test for him and a test for all of us. If Amnesty International or the United Nations refugee commission or others who are completely independent can be part of that referencing and part of that definition, then we would find ourselves in a different place.

• (1620)

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the character of a nation is often defined by how we treat people in desperate situations who come to our shores seeking asylum, safe haven or a better life.

Canada has two sides. One is very generous. If we look at the situation at the turn of the last century, tens of thousands of Irish immigrant refugees fleeing the potato famine arrived at the shores of Canada. Some came to Toronto. At that time the city of York only had 20,000 to 30,000 people, and yet 50,000 Irish refugees came to its shores.

At that time many of them were sick. The people of the city of York could have said they were not welcome, that they were afraid of their diseases and that they should go home, and then could have sent them away. Instead the medical officer of health and many of the residents in the city of York opened up their doors, were very generous and helped to treat them, even to the extent that one of the Protestant medical officers of health died of the disease.

However, there is another side and face to Canada's immigration policy. We can remember many Jewish refugees who tried to come to Canada and were sent away. At that time there were two successive immigration ministers who basically did not want to welcome them. We sent them home. We refused them entry.

At the end of that period, only 5,000 of them came to Canada. We know that had we opened up our doors during that period, many more thousands or tens of thousands of lives could have been saved. They could have found homes and started their families in Canada. That was a dark page of Canadian history.

Much later, in the 1960s, we sent Indians back on the *Komagata Maru*, some to their death. Again, that period was not a proud time in the history of immigration policy in Canada.

As we go into this debate on this refugee reform bill, Bill C-11, perhaps what we should do is remember that history and that reputation for generosity and for sharing what we have, versus a government that was obsessed with narrow national self-interest. At that time there was also an obsession with elections. We could see these people coming to our shores, either as people seeking new opportunities or as queue-jumpers or people who wanted to scam our system. That is a different way of seeing people who come to Canada.

We know that how we treat these refugees sometimes determines their life or death. If we send them back, sometimes they go to prison or end up being tortured. Some endure beatings or starvation, so in many ways we have to be very cautious.

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We have seen examples. A young Mexican woman came to Canada twice, trying to leave the drug lords in Mexico. She was refused refugee status. After the second time she returned to Mexico, she was kidnapped by the people she was originally trying to run away from, and in June 2009 she was found dead with a bullet in her head. How we treat refugees really does sometimes mean life and death.

As a principle of a fast and fair refugee determination, what we want to see is high-quality initial decisions. Get it right the first time.

• (1625)

Let us make sure we keep it non-political and have an independent body make all the decisions. Let us keep the laws simple and not have unnecessary rules or a complicated process. We should also make sure we have the necessary resources in place so that we can avoid backlogs. We should always remember that human lives are at stake and adhere to human rights standards.

As New Democrats, we have long proposed a fast and fair refugee determination process. We have said that all appointments of Immigration and Refugee Board members should be done through an independent appointment commissioner with set criteria.

Right now members are picked by their merits. However, if the minister has 10 names in front of him, he can pick person A versus person B. Persons A and B are both supposed to be qualified, but perhaps person A happens to be a failed Conservative political candidate or someone who donated money. That person could be picked over person B, who happens to have no political background whatsoever. It is very important that an independent appointment commissioner be set up through the Federal Accountability Act, Bill C-2, which was passed in 2006. Those kinds of appointments should be done through an arm's-length commissioner.

Number two, New Democrats have said that we need to hire more permanent refugee protection officers to clear the backlog. That is a no-brainer. If there is a backlog, hire more officers to clear the backlog.

Number three, make sure there is legislation so that the unscrupulous immigration consultants who are telling people how to lie cannot practise. We need to crack down on them, ban them, punish them and throw them in jail. We need to ensure that we ban them from the Immigration and Refugee Board hearing room so that these unscrupulous middle people cannot coach refugees on how to lie.

On the flip side, we must provide legal aid for proper representation. Refugees often come to Canada penniless. Whether they are Jewish, Irish or Indian refugees, when they come to Canada they often do not have money for a court system, so we must provide legal aid to some of the most desperate people.

Number four, we have also said that we must set up a refugee appeal division so that consistent decisions would be made based on law and fact. In fact Parliament mandated such an appeal division in 2001, and successive former Liberal governments chose to ignore it.

Since 2006, the new Conservative government could have implemented all of these recommendations, but through the years it emptied out the refugee board. When it came to power, it did not

want to reappoint the Liberal cronies to the Immigration and Refugee Board, so the minister at that time became paralyzed by uncertainty and took no action. He stopped most of the appointments and left the board mostly vacant. The number of refugees waiting their turn for the board to decide their fate grew larger by the day because there was no one around to make the decision.

Critics watched the situation, grew alarmed and said this was going to be disastrous. Even the Auditor General said in one of her reports that the whole system was collapsing and that the government should do something, because it was taking far too long to appoint and train people and it was costly. Against this backdrop, two years later the board is now full, but the minister is now trying to address a crisis that was created partially by his own party.

• (1630)

Bill C-11, the refugee reform act, has a few merits.

One, the process is speedy. Yes, the refugees want to be united with their loved ones, so refugees who come to our shores want us to make fast decisions so that they can bring some of their children and their loved ones who are in refugee camps or urban slums in poor countries to Canada and be united with them. Speed is good.

Two, the bill establishes an appeal process for some refugee claimants. That also is good.

Three, it provides more funding to the Immigration and Refugee Board to clear the backlog. However, we would prefer to see much of the funding go to the Immigration and Refugee Board and the protection officers instead of most of it going to the CBSA, the Canada Border Service Agency and to the Department of Justice to appoint more Federal Court judges. We would prefer to see more refugee claimants as each year's target. We do not believe 9,000 is an adequate number. In 2005 there were 25,000 refugee claimants that were approved in Canada, inland applications were approved.

There is one more aspect in the bill that is good, an assisted voluntary return program, so failed and destitute refugee claimants can get a little help to return to their homeland.

However, this Conservative refugee reform bill has serious flaws.

Problem number one is the safe countries list. The introduction of safe country of origin means the minister has the power to create two classes of refugees: those who have the right to appeal and those who do not have that right.

Claimants who would be particularly hurt would include women making gender-based claims, for example, the one that was raised in the House today. Mrs. Sow was beaten by her second husband. She found a safe haven in Canada, but her case was denied.

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Claimants who are most hurt in the safe countries designation would also include people claiming refugee status on the basis of sexual orientation or sexual identity. In many countries that otherwise seem fair and peaceful, there can be serious problems of persecution based on gender or sexual orientation. In 50 years of studying human rights, the international community has learned that there is no country that can easily be declared safe. That is why fundamentally this is a serious flaw in the bill.

Problem number two is that the first hearing is not done by people with any independence of the department or the minister. Bill C-11 sacrifices fairness in the hearing of refugees' claims and centralizes the power in the department and the minister. That is a substantial problem because it really should be an arm's-length group of people who make the first decision. We have seen countries on the safe countries list that have a huge number of appeals and do not allow those appeals to be successful. Making a right decision at the beginning is critically important, and having the first hearing done by officers is not the proper way to do it.

• (1635)

Problem number three is that if those refugees come from safe countries and have no right to appeal, most likely they will not have access to the pre-removal risk assessment within the first year because they are likely to be deported within one year. The problem with the pre-removal risk assessment, even if they do have access, is it takes a long time. Normally it takes close to two years to get a pre-removal risk assessment decision, which means that claimants could be deported before the hearings are done. That is a problem for claimants who are from so-called safe countries.

For example, Ghana is seen as a safe country. In Ghana if a person is gay or lesbian, the person will be punished and thrown into jail because it is illegal to be identified as gay or lesbian.

There are also countries that support female genital mutilation. There are other countries that are supposed to be safe that have a huge number of human rights violations.

Therefore, having a safe country list is not a good way to go.

Furthermore, even though the minister promised many times that there would be action, Bill C-11 does not address the problem of unscrupulous immigration consultants. When we speed up the timelines and get to the first hearing very quickly, it drives many refugee claimants to these so-called immigration consultants who are not licensed and are not qualified. Why? Because a person cannot get legal aid within eight days.

When a person has a hearing within eight days and tries to get legal aid, say in Ontario, the person cannot get legal aid that quickly. We asked some of the people who came to my office why they did not try to retain someone who knows the immigration and refugee law. They said that it takes a long time to get legal aid. Some refugees do not have the funding to do so. It would probably drive more claimants to unscrupulous consultants.

What should we do at this point? My preference was that the bill be sent to the immigration committee before second reading so that there could be amendments. The minister did not agree to that, even though that was the route I preferred to take.

Since that is the case, the bill will go to the citizenship and immigration committee after second reading. At committee we should carefully examine the bill. We must make some amendments as I have suggested to slow down some of the initial processes, to change some of the regulations, to remove the safe countries designation. We must hear from some of the people who have many years of experience dealing with refugees, such as people from the Canadian Council of Refugees, Amnesty International, the Canadian Bar Association, and some of the refugee organizations. Those are the organizations that we must listen to very carefully in order to make the right decisions.

I hope the minister and his government will allow some fundamental amendments at the immigration committee.

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 Don Valley West, Veterans.

Questions and comments, the hon. Minister of Citizenship, Immigration and Multiculturalism.

• (1640)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I would like to thank the member for Trinity—Spadina for her thoughtful remarks as well as her evident concern for refugees. I should say that her opening remarks mirrored my own about the historical precedents of Canada being a country of welcome but also, in particular during the second world war, being a country of xenophobia and the rejection of refugees, and how we must always learn from that and be mindful of it when dealing with this very sensitive matter.

I will try to give some quick points for her response.

The member talked about the backlog. It would be fair for her to acknowledge that backlogs have been a permanent feature of the current system, which is why we need to change the architecture of it. The average size of the backlog in the past two decades for asylum seekers is 40,000 cases. Therefore, the current backlog is not unprecedented and that is why we need to change the architecture.

I should also point out that between 2006 and 2008, we saw a 60% increase in claims, 58% of which have subsequently been found not to be in need of Canada's protection. The backlog is not simply the result of a temporary shortfall in appointments as a result of the new screening process. It is also a result of a large number of unfounded claims. I know there are some people who do not like me pointing out that there are unfounded claims made in our system, but there are; there is a large number and that is something we cannot be blind to.

Second, we are not proposing a target of 9,000 positive asylum decisions per year. In fact, our proposal would give resources to the IRB to make 28,000 finalizations on asylum claims per year. Theoretically, that could be 28,000 positive protection decisions, 28,000 landings for successful claimants, but we cannot determine or plan the number of successful claims. That is up to the independent IRB. However, the ceiling is not 9,000. The effective ceiling with the resources we are allocating is 28,000, which of course is an increase over the status quo.

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Third, she claimed that international authorities say that no country can legitimately be described as being safe. In fact, António Guterres, UN High Commissioner for Refugees, said, “There are indeed safe countries of origin. There are indeed countries in which there is a presumption that refugee claims will probably be not as strong as in other countries”.

Finally, she accused us of centralizing decision makers in this proposal. That is not true. Public service decision makers would be situated at the IRB, beyond the control or influence of any political actor, as they are in the immigration division of the IRB. It simply mirrors that.

I agree entirely with her on consultants. We intend to bring forward meaningful reforms and I would like her views on that issue in the near future.

Ms. Olivia Chow: Mr. Speaker, there have always been backlogs but between 2001 and 2005, the backlog was accumulating because of 9/11. At that time, the former Liberal government hired a lot more officers and brought the backlog down to 20,000, which was much smaller. When there is a backlog, hire more workers. That is one way to deal with it.

Fundamentally, there needs to be some minor changes too, but one of the problems is the back end. It is not the front end, who gets accepted, who does not get accepted and who is rejected. It is the back end. The Canada Border Services Agency, during that period, was taking a huge amount of time to find some of the failed claimants. In fact, the Auditor General said in a report that they did not even know where some of these folks had gone to, and that they were detaining eight people in a room that was only fit for one person. One of the reasons there is a backlog is the back end. It is not just the front end.

One of the key problems regarding safe countries, is that we can internally have a safe country list but to deny individuals of their right to appeal because they are from one of those countries is a fundamental problem. I believe that each individual case of refugee determination, when a person is seeking asylum, must be seen on its own merits. Each refugee claimant should have equal rights. There really should not be two classes of claimants: one for people who come from a certain country and another for those from a different country. For example, if people are gay or lesbian, they could face the same kind of persecution.

• (1645)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, my hon. colleague has done great work in the area of refugees. The discussion before us to resolve the refugee issue simply and to everyone's satisfaction is like coming in and untying the Gordian knot. I recognize the difficulty that is before us and we need to find ways to work together beyond all parties.

My concern is on the designation of safe countries. We do recognize that there are countries that have been identified by the UN where refugees are taken from, but we also find now that there are many areas of global unrest, where there are drug cartels, extreme gender violence, whether it is violence on sexual orientation, that these refugee claimants would still have legitimate claims and yet they might not be covered under the list the government has provided.

I would like to speak specifically to the issue of, for example, the labour activists in Colombia who have been targeted over the last number of years. We have read the names of the labour activists and organizers who have been killed in Colombia while the free trade deal has been negotiated, and yet it would not be politically expedient for the government to allow any of these activists into Canada because it would recognize that they do have some fundamental human rights problems in Colombia.

I would like to ask my hon. colleague how we square the circle. How do we ensure that those people who are fleeing situations of violence are given a fair hearing while separating that perhaps from the aim of a political treaty or the negotiating aims of a particular government at a particular time in history?

Ms. Olivia Chow: Mr. Speaker, we cannot square the circle. When we designate certain countries I would imagine that trade would be one of the considerations, even though it should not be when it comes to refugees. Some countries could appear to be democratic. The government of the day could see a country as being a fair and democratic country and have friendly relationships with this country. So often, if that is the case, then it would claim this country to be safe. Some of the political situations can change on a dime. There could be civil unrest or there could be drug lords. There could be political killings by secret services as we have seen in Colombia.

To designate safe countries and to give the government the absolute power to do so would be extremely inappropriate because of all of those kinds of consideration that could come into the picture, especially relationships and financial interests, because I have seen financial interests trump human rights one time too many.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am very pleased to speak to this debate on Bill C-11. I know we are not supposed to do this, but I would like to thank the minister for being here in the House to listen to the debates. I think it is important for the minister to hear these debates in the House, because many people are affected and often experience human tragedies with the immigration and refugee system in Canada.

I am in a good position to talk about this, because I represent the riding of Rosemont—La Petite-Patrie, one of those urban ridings that struggles with these human tragedies every day. I have been a member in this House for 13 years, and 80% of my interactions with constituents are related to problems with immigration and refugee claims.

Government Orders

Members can imagine the kind of pressure our staff is under as they deal with these situations every day. I would like to take this opportunity to mention some of my constituents and staff from my riding. I am thinking of Louise Bellemare, at my constituency office, and Michel Blouin and René Champagne, who work hard every day to help constituents who are struggling to understand the system.

I used the word “understand” because few people truly understand the mechanisms and workings of the Canadian system because it is complex and because—we must not forget—the government has added to that complexity in recent years. Each year 25,000 people seek asylum in Canada. That is roughly equal to the backlog. That is a serious problem. Quite often, when someone seeking refugee status arrives in Canada, it takes nearly 28 days for them to meet with a government official to explain their situation.

It generally takes close to 19 months to have a hearing with the Immigration and Refugee Board, the IRB. During these 19 months, the person belongs to a community; they share common values, have conversations and slowly integrate themselves. Those 19 months are filled with insecurity. And 19 months later they get a hearing with the IRB. But only 45% of these claimants will actually get refugee status at the end of the IRB process. And so, 55% of the claimants are denied by the IRB.

The individual can then start the process of asking the Federal Court for a judicial review. But only 13% of such cases will be heard by the Federal Court. That is truly unfair because very few of these people will have their cases heard by the Federal Court.

Even if they are not heard there, they can always apply for a pre-removal risk assessment, a PRRA, but again, there is roughly a three-year waiting period. Everyone knows that at this stage of the process, the chance of getting a positive ruling is roughly 2%.

The chances are very low. Despite this refusal, the person has not reached the end of the road because he can still go to the Federal Court and request a review of the PRRA ruling. During this process, nothing is stopping the person from applying for permanent resident status on humanitarian grounds. The entire process takes approximately four to six years.

● (1650)

Very few people in Canada really know the process, but many people are in this situation. I am thinking of Ms. Camara, among others, who arrived here in 2006 and waited 10 months for a hearing with the Immigration and Refugee Board of Canada. Some may say that she is lucky since the average wait for a hearing is 19 months and she waited nine months less than the average to get a hearing.

We are in this situation because, between 2006 and 2009, the government and the minister refused to appoint any so-called new decision makers. There were only 50 decision makers out of a possible 164. That is what has caused the backlog. The backlog grew from 20,000 claims in 2005 to 60,000 claims in 2009. The government created these delays despite the harm done to persons seeking status under Canada's Immigration and Refugee Protection Act.

Introduced on March 30, 2010, this bill seeks to reduce processing times and to provide \$540 million over five years. This money will not go directly to help settle refugees but will be allocated for the

most part to border officers. Thus, there will be more investigations and screening. These changes are designed to increase the restrictions on people who wish to be recognized under Canada's Immigration and Refugee Protection Act.

There must be no misunderstanding. We are not opposed to some of the government's proposals because we recognize that waiting times must be shortened. We must ensure that decisions are made as quickly as possible.

I remember that when I arrived in the House in 1997 it took approximately six to eight months, on average, to obtain a first hearing at the Immigration and Refugee Board. It now takes 19 months. This is a real problem that leads to human tragedies, as I was saying, and also creates interminable procedures: application for refugee status, federal court proceedings, PRRA, applications for permanent residence on humanitarian grounds, and I have surely forgotten others.

Reform is necessary. We support part of this reform. As members know, we would have preferred that this bill be sent directly to committee, but that was not possible. Therefore, we are starting this process today in the hope that, at the committee stage, we will be able to study the changes we are seeking more thoroughly.

We are pleased to see the creation of the refugee appeal division in the bill before us today, because we have been asking for it for a long time, since 2001 in fact. I remind members that we have been working on this bill since 2001 and that the Immigration and Refugee Protection Act included the possibility of the government actually establishing this appeal division.

I remember the Liberals telling us that they would reduce the number of board members hearing refugee claims from two to one. At the same time, they promised to establish this appeal division.

● (1655)

The Liberals did not keep their word. We gave them the chance to make up for it when we introduced Bill C-291 in the House. This bill proposed the creation of the refugee appeal division. It was passed at second reading, but was defeated by one vote at third reading.

We must remember that when the time came to create this appeal division at third reading, the Liberals were nowhere to be found in the House. I will not name them because I know that it is unparliamentary to mention colleagues who are absent from the House, but there were 12 of them missing. We know who they were; we took note and we will remember them during the next election campaign. These 12 Liberals prevented us from implementing a real appeal division, as we have been proposing since 2001.

Government Orders

This proposal was defeated, but an appeal division is still necessary, because mistakes can be made in our legal system. Citizens must be able to appeal a decision, whether it is from a quasi-judicial tribunal or a court of justice. When the Liberals proposed the refugee appeal division in 2001, they proposed having one member make decisions instead of two. There could have been arbitrary decisions. The proof is that some IRB members reject 98% of refugee claims. So even among the members' decisions, there does not appear to be balance.

I am not here to question IRB member decisions. I know that it is a quasi-judicial tribunal, and I do not plan on looking at each and every one of these decisions. However, there does not seem to be balance among the decisions of some judges.

The decisions can sometimes be arbitrary and things should be more fair. That is why the government has created the refugee appeal division. However, the problem is that not everyone can take advantage of it. I cannot emphasize enough that there will be exceptions. Anyone coming from countries designated as safe would not be able to appeal the decisions made by government officials acting as decision makers—not board members—who have been given more power. I will say more about that later. This appeal division would not be available to everyone.

We, on this side of the House, would like to know what is meant by safe country. The government is telling us that the criteria for designating safe countries will be set by regulation a little later on. But we do not know what the regulations will be. The government is asking for a blank cheque and our trust. Citizens who do not come from a safe country will be able to appeal, but those who come from a safe country will not. But what is a safe country? We do not know. According to the government in one of its balanced refugee reform documents:

Safe countries of origin would include countries that do not normally produce refugees, have a robust human rights record and offer strong state protection.

That is the government's definition, but at the same time, it is saying that the criteria will be set out later in regulations. The government is most likely looking at three countries: Mexico, Hungary and the Czech Republic. Naturally, it will not say anything today because everything will be set out later in regulations.

● (1700)

The government wants us to trust it and says that the process will be balanced and fair. I understand the government will leave it to an advisory committee. However, in the name of transparency, it would have been better to have these regulations.

I have a suggestion for the minister. If he really wants to consult the opposition, I invite him to submit these regulations to the parliamentary committee when the time comes to study the criteria used to determine whether a country is safe.

This bill considerably reduces the role of judges and increases that of public servants, particularly concerning the initial refugee claim. We have never criticized the role of board members. We have always felt that they are appointed based on partisan ideology, but we have never questioned their work. We must seriously consider the fact that public servants will become the decision makers. This is a new approach. I understand that the government wants to ease the

workload of judges and leave it up to the public service to assess claims, but this needs to be clarified. I am sure my colleague, the immigration critic, will have many questions in that regard.

This is where things get a little more complicated. The government wants to reduce wait times for interviews. Under the current act, once a person claims refugee status, the average wait time for an initial interview with a government official is about 28 days. Now the minister is saying that will go down to eight days.

As I said earlier, wait times must be reduced. However, we have to look at which wait times to reduce and how to balance the procedures.

We have to remember that, in many cases, people from other countries who arrive in Canada have issues. We need to make sure that an eight-day timeline is not too short. People who claim refugee status have experienced personal traumas. Might the eight-day timeline result in certain injustices and put those people in uncomfortable situations? We will have to look at that.

I would also like to talk about hearings. The government wants to reduce wait times for hearings from 19 months to 60 days. In other words, after the first interview, the government official would schedule a hearing within 60 days. That is not much time for people from countries with unstable governments. People have to submit documentation, and it takes time to send correspondence and receive the required documents. It is important to consider this because if the case goes to the appeal division, all of these processes will be taken into account.

We are in favour of reforming the Immigration and Refugee Protection Act, and we believe that wait times should be reduced. In my opinion, hearings should be held sooner following a claimant's arrival because a 19-month wait does not make sense and has made things very difficult for people in the past. We have to make some adjustments. I believe that my colleague, the immigration critic, will invite witnesses to appear before the committee so that we can achieve balanced reforms for people seeking asylum in Canada.

● (1705)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I thank the hon. member for Rosemont—La Petite-Patrie for his wise and constructive comments.

First of all, I would like to point out that we intend to work in a consultative way at the Standing Committee on Citizenship and Immigration. Furthermore, I have already said that we are open to the possibility of amendments to define the criteria for the designation of safe countries of origin within the bill. That is one amendment we wish to include. This must be very clear, for there are many pertinent questions in that regard.

Second, I am making a commitment to submit to the committee the proposed regulations for the process of designating safe countries, as well as other essential regulations related to the bill in order to achieve a balanced claims system.

Government Orders

Third, I understand my colleague's concerns regarding the timeframe of eight days for the selection and 60 days for the hearing before the IRB. I would point out that the public servant who conducts the selection interviews will have the opportunity to determine if a claimant has been traumatized by a serious situation, and if either the selection interview or the IRB hearing should be postponed. I believe the IRB rules will have some flexibility in that regard.

• (1710)

Mr. Bernard Bigras: Mr. Speaker, I am very pleased to hear what the minister just said.

But he will understand that to be sure, the act must be amended. We cannot just say in the House that the official with decision-making authority will consider the person's mental state, for example, in the event of trauma. The act must be amended. That is what we were hoping for when we wanted to send the bill to committee.

I am glad to hear what the minister had to say, but there will have to be some transparency. That is our hope. I would be glad to see the minister show some transparency. A minister seldom agrees to table regulations in committee and have a real discussion on their enforcement.

In acts like this one, there is the body of the act, but often it is the regulations that determine how the act is enforced. We have often seen bills in the House with no regulations. If the government is willing to table the regulations in committee, I believe that there can be a transparent, open, respectful debate that will benefit everyone.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, Mexico is a strong ally of Canada and a great trading partner. We have numerous relations with Mexico. Mexico has a number of democratic institutions. It has the rule of law and police. Yet, it also has a drug war that is spiralling out of control with greater and greater levels of violence in many communities.

We had the case of a young Mexican woman who was under threat from the drug cartels. She sought refuge in Canada because her life was at risk. She was refused refugee status because Mexico is not perceived as a place where we take refugees from. She was returned and ended up being kidnapped in June 2009. They found her dead. She had most likely been killed by these drug cartels. She was only 24 years old.

There are horror stories like this in many jurisdictions and it is sometimes difficult in Canada to assess what will happen if a person is sent back to a violent situation. I am concerned again about the safe country designation. I think we may be taking some of the few rights that exist for people who are in these very unstable situations and are trying to escape violence. I am concerned that people with legitimate concerns for their safety who come here would no longer be given the same level of protection.

In terms of where we need to go with this bill and what we need to change, does my hon. colleague think that the area of safe country designation is one of the areas that we will need to look at to ensure the bill is just and does protect the people who deserve to be protected from threats of violence?

[*Translation*]

Mr. Bernard Bigras: Mr. Speaker, that is exactly what I said when I invited the minister to table the regulations or amend the act to define what a safe country is. The definition must comply with the three main conventions in international law.

First, we must ensure that the conventions on human rights are included in the definition of a safe country.

Second, we must ensure that the conventions on torture, including the American convention on torture—which Canada has not yet ratified, if I remember correctly—are incorporated into the definition of a safe country.

Third, this definition must include the convention on refugees.

I believe that these three international conventions must be included in the definition of a safe country and must serve as benchmarks. I am certain that we can talk about this in committee.

• (1715)

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I understand that in the mid-eighties three members sat on the refugee board. It was subsequently reduced to two members. During the period when it was changed to one board member, assurance was given that there would be a refugee appeal division.

The member was right when he said that one member would hold the power over someone's future. In Toronto we have heard allegations of this. Steve Ellis, one of the board members appointed by a former Liberal government, was seeking sexual favours in exchange for allowing a woman from South Korea to stay in Canada. The number of people on the panel makes a big difference.

What would the member say about the current changes to the bill that would result in board members having no decision-making power at all on refugees who come from safe countries? That would mean there would be no independent review of refugee claims. If the person comes from a safe country, there would be no appeal procedure in place.

[*Translation*]

Mr. Bernard Bigras: Mr. Speaker, I believe the appeal division must apply to everyone, whether they come from a safe country or not.

I believe that was the spirit of Bill C-291, which was supported by the NDP, adopted at second reading, but defeated at third reading because of the absence of the Liberal members. Hon. members will recall that 12 Liberal members were absent at the time of the vote.

That being said, we were had by the government when it decided to go from having two commission members to just one and promised us a real refugee appeal division. We were had by the Liberal Party of Canada. The government is trying to redeem itself today by creating this appeal division and by excluding a portion of claimants. In the meantime, it will amend federal legislation to increase the number of judges from 32 to 36 at the Federal Court for cases to be heard there.

Government Orders

However, let us be clear to the public. Only 12% of cases succeed when there is an application to the Federal Court for review after an unfavourable ruling at the Immigration and Refugee Board. We want a real refugee appeal division and not just a half measure.

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with some pleasure that I enter this debate.

I am a member from the rural parts of our country in northwestern British Columbia. Issues around refugee and immigration reform in general touch us as much in rural Canada as they do in other parts of the country. This is perhaps an untold story, that my staff and my communities are constantly dealing with questions that we facing here in the House.

I would also like to thank the member for Trinity—Spadina for her tireless work on this issue over the years, both bringing in personal sentiment and cause, and a calm rationality to try to reform the system that we all in this place can recognize is broken.

I think it is high time that Canadians come to understand where the true fixes lay, where the true solutions are to be had, and that governments resist the temptation that they have so often given in to, to politicize the refugee and immigration system in this country. Whether it is pandering to votes on one side of the conversation or to another, while it is trying to make some appeal to a particular group of new Canadians or make an appeal to some reactionary elements in our country that are fundamentally anti-immigrant.

We have to recognize that those forces are in play in this country and they come to bear on any government and any elected member. We have to resist those for a longer vision, a more noble and honest opinion of where Canada needs to be, not just in the next year or the next 10 years but in the next 100 years.

Decisions that we make with respect to bills like this have an effect for many years to come on those individuals and families seeking to reunite, seeking to find a better life here in Canada. We are also trying to find ways to keep folks from clogging up the system, entering the system knowingly, and trying to corrupt the system.

It is unfortunate but rules in this place are so often made for the minority. Rules are so often made for the cases of people trying to put the system into jeopardy but end up hurting so many of the vast majority who are simply trying to appeal to Canada's ethics and morality on a refugee claimant basis. They are coming from a country of some hardship and in particular circumstances, where they are being biased against for who they are, either their gender or their sexual orientation, and their economic status or political affiliations.

These are difficult questions for a refugee board to sort out. These are obviously difficult questions for a government to sort out.

No one, and certainly not New Democrats, lauds previous Liberal governments for their inaction on the backlogs that were created year in and year out. Justice delayed is justice denied. It was too often that people were cast into a system with no end in sight. This was not a decent way to deal with refugees and immigrants to this country. This was not a decent way or a humanitarian way to deal with folks.

We also see, with the current government's either action or lack of action in some cases, a contribution to the problem that we saw when the current government was elected in 2006. There was a reluctance to appoint new people to the boards.

The system is inherently political and partisan. This is something that we hope to reform. We actually had some glimmer of hope from the government when it sought to have an appointments commissioner, someone who would act in a non-partisan way to review the many hundreds and in some cases thousands of appointments in a year, that did not have any partisan connection, that could create a stand-alone committee at arm's length from the government.

New Democrats worked with the current government to make this happen and make it a reality. Unfortunately, the government's first choice for who should lead that commission was a gentleman who was the chief fundraiser for the Prime Minister, who had helped the Prime Minister achieve office.

Colleagues across the aisle are shaking their heads, but it is fact and case in point. When New Democrats asked if there was anybody else out there who could help with the appointment process other than this one individual most closely tied to the sitting Prime Minister, the government scrapped the whole idea. It said this was the only individual out of some 30-some odd million Canadians who was sufficiently capable of heading up an appointments process, and if we would not accept him it was going to get rid of the whole idea.

We thought it was a good idea. It was a good idea. The members can heckle all they want, but what they cannot deny is the fact that the Prime Minister put one single name forward and that was it, take it or leave it. We actually notice that time and time this has become this Prime Minister's tendency, his habit, to lean toward this type of leadership. It was rebuked earlier today from the Chair itself, this kind of intolerant approach.

Now we head to this issue of Bill C-11. My colleague from Trinity—Spadina made the good point that we sought to move this bill to committee prior to second reading. That would allow the committee even more latitude to make more fundamental changes to the bill. The government refused that.

We will work within the parameters of this place in a democratic way to effect this bill for the betterment of all those seeking refugee status in Canada.

● (1720)

It must be noted that when dealing with immigration and refugee issues, it brings out both the best and worst in a country. Our history has proven that out. In this place, the Prime Minister and various parties over the years have had to stand and publicly apologize for the treatment of people from different countries appealing to Canada's conscience to allow them to come to this country.

Government Orders

Some years ago, Jewish immigrants, Indians from the *Komagata Maru* and Irish immigrants were rejected simply based on narrow stereotypes of the worst order of that time. We evolve, move on, mature as a country, gain competence, and realize that we were wrong, that we used the barriers to our country as a tool or mechanism to punish those we were fearful of, those we did not like or suspected. This is the worst element of the refugee and immigration system and it is a difficult thing to get right.

We have no pretensions in the New Democratic Party that this is an easy thing to do, properly, fair and balanced, but today as we seek to speed up the process, we also look for a fair process. We look for one that does not sacrifice fairness for expediency, that does not create more errors that future prime ministers and governments will have to stand up and apologize for. This is something we all wish to resist and we should resist in every way as we look through this bill.

It is also a crisis in the making as the government refused, in the political appointment process, to put Liberals back on the board because it did not like Liberals and it did not want to give them a job, basically. I do not know if it did not like some of their decisions or it simply did not want Liberals on the government dime any more, but rather than replacing them with skilled and qualified Canadians to fill those roles, the backlog grew again.

When we have these crises, these moments that occur and require severe action, we have to pay attention to whether they were at all manufactured. If they were, then the cynical minds within this place will say it was done intentionally to move some radical reforms. If we create the crisis, we need to meet it with some expeditious force that will change it all dramatically.

It is also a story about the best of Canada, the best that we wish to be, and how we wish to present ourselves to the world as a safe haven for refugees, as a place people can come when they are being mistreated, and subjected to torture in all sorts of inhumane conditions. Canada must be a beacon of light in the world that people feel they can come to, where they can make an appeal to the Canadian system that is a full and transparent process.

This is the question we have on the expediency of this particular bill, the eight-day condition. Will refugees be able to seek the kind of legal support in order to defend themselves in front of the board or will they get one of these so-called consultants? We need to find another word for these immigration consultants.

I, like many members of Parliament, have had these folks on my doorstep. I am sure the immigration minister has met with some of them, bottom feeders I think the minister sometimes refers to them. These folks are sometimes in training and sometimes have noble intention, but too often pariahs on the system, pariahs on people's fear and desperate need to get into this country, and they offer them bad advice.

I worked in Sierra Leone for a while before entering politics and had the unbelievable frustration of meeting a young Sierra Leone man who had been engaged in the civil war and had his entire family wiped out by the rebels. He was appealing to Canada and had, through his church, forked over \$850, which is an enormous sum to someone living in Sierra Leone, to one of these consultants. What

did that Canadian consultant do? He provided that young man with a form that was available on a website.

These consultants prey upon refugees' fear and ignorance, that those seeking to come here think that this is an impossible system to get through. These people do not live in a democratic society where there are forms available for anything. This is a wartorn country and these consultants are preying upon these refugees, folks who often have already gone through hell and back, and are now seeking a better life in Canada. These immigration consultants pop up, promising the world, and charging even more for these folks to access Canada.

It seems to me we also need more refugee protection officers in the system. This is something the bill does not sufficiently seem to answer at this point.

We are caring communities in Canada. I represent northwestern British Columbia. Whenever there is a global crisis, whether it is Haiti or any other place, it is amazing to me that within days emails are in my inbox, I receive phone calls and people stop me on the street, either through faith-based organizations, their communities or themselves as families, saying they want to help, they want to offer access and safe refuge to people who have gone through such trauma.

• (1725)

As elected members, it is very rewarding when we meet those Canadians who are willing to open up their homes and sacrifice financially to welcome people in from another place and offer them a bit of the life that we have here, something that some of us were born with.

I am the first-born of an immigrant family and some of the things that concern me about the immigration reform before me is that I have to cast through and wonder whether my family would have made it through the system. Would my family of Irish farmers been able to apply under the immigration standards that the government currently holds? My family is a proud family but they were not rich. They did not have access or influence. They would simply have applied on the basis of their hard work, integrity and merit and spent the last 40 years helping build this country, as so many immigrants before them have. That is a test that I hold and a test that I hope we all hold, which is thinking back through our own lineages, our own coming here if we were not born here as first nations and for many generations past. I hope we give this bill a—

• (1730)

The Acting Speaker (Mr. Barry Devolin): Sorry but I must interrupt the member. The hon. member for Skeena—Bulkley Valley will have nine minutes remaining when the House returns to this matter.

BUSINESS OF THE HOUSE

The Acting Speaker (Mr. Barry Devolin): I would like to inform the House that under the provisions of Standing Order 97.1(2), I am designating Thursday, April 29, 2010, as the date fixed for the consideration of the motion to concur in the first report of the Standing Committee on Transport, Infrastructure and Communities. The report contains a recommendation not to proceed further with Bill C-310, An Act to Provide Certain Rights to Air Passengers. The one hour debate on the motion will be held immediately after the usual private members' business hour after which the House will proceed to the adjournment proceedings pursuant to Standing Order 38.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

QUEBEC BRIDGE

The House resumed from March 24 consideration of the motion.

The Acting Speaker (Mr. Barry Devolin): Resuming debate.

The hon. member for Lévis—Bellechasse has two minutes.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, two minutes is enough time to show that the government is firmly committed to finding a long-term solution for the Quebec Bridge.

Unlike the Bloc members opposite who change their minds about the future of the Quebec Bridge every six months, we have taken action. Proceedings are under way in which Transport Canada is asking the court to rule that Canadian National did not meet its contractual obligation to repair the Quebec Bridge. We are also asking that CN be required to finish the repair work, including painting the structure. If it fails to do so, CN will have to reimburse Transport Canada for any costs associated with repairing the bridge.

We made that promise. As soon as our Minister of Transport, Infrastructure and Communities came to power, we took real action. We will continue to do so because we care about the Quebec Bridge.

What we do not like is the violation of parliamentarians' fundamental rights, which we saw in an insidious ad by the member for Louis-Hébert. He addressed a Quebec member with an English brochure about the Quebec Bridge. That showed a lack of respect toward the member for Charlesbourg—Haute-Saint-Charles, who received a poor-quality document that was, worse still, in English. Can the member for Louis-Hébert respect this country's bilingualism and send documents in both official languages, or at least in our language of choice? I urge the member for Louis-Hébert to use French first and foremost when sending ads or documents to Quebec members.

Getting back to the subject of the Quebec Bridge, I want to say that we are dealing with the issue and that we care about the future of the Quebec Bridge. We are not pulling these solutions out of thin air and changing our minds every six months. Above all, we will not

Private Members' Business

make taxpayers pay to clean up messes made by private corporations.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, I am pleased to rise in the House today to speak to the motion introduced by the member for Louis-Hébert. I thank him for bringing this issue to the attention of the House.

When I saw this motion on the order paper, I was immediately intrigued by its purpose and potential utility. I can understand perfectly why the member wants this issue to be addressed in the House. The Quebec Bridge is in his riding, and his constituents are directly affected by this artery in the Quebec City area. Not only is the Quebec Bridge an important transportation link, but it is a historical monument that identifies greater Quebec City.

It is a historic bridge, not only for Quebec, but for all of Canada, and it must be maintained. The federal government should be responsible for the safety of the people who use this bridge every day, regardless of who owns it at present.

There is also an unstable bridge in my riding: the Champlain Bridge. The Champlain Bridge is clearly in no way a historical monument, but it does have the largest volume of traffic in Canada.

Like the member for Louis-Hébert, I am concerned about the safety of my constituents and all the people who use the Champlain Bridge. Since I was elected, I have repeatedly called on the government to show real leadership in maintaining and improving this vital link between Montreal's island and south shore areas.

Although a pitiful \$212 million was allocated in the 2009-10 budget, that money is spread over 10 years and is nothing but a band-aid solution to a real, imminent problem.

[*English*]

While I could wax poetic about the challenges facing the Champlain Bridge all day, I would like to take this opportunity to talk about another bridge just down the river from my riding and one that can be compared to the Pont de Québec. I am talking about the Victoria Bridge.

The Victoria Bridge, the oldest in the Montreal area, originally opened as a federal rail bridge in 1859, and Canadian National Railway, CN, inherited it from its predecessor, the Grand Trunk Railway, in 1918. Transport Canada entered into an agreement with CN, then a crown corporation, in 1962, taking responsibility for the costs of maintenance and repair of the brackets and the roadway surface, as well as other operating expenses.

Transport Canada also began compensating CN for lost toll revenues in the amount of \$664,000 per annum under this agreement. According to a departmental press release from 1997, \$150 million had been transferred to CN between 1962 and 1997 under this agreement.

● (1735)

[*Translation*]

Between 1997 and 2008, the Department of Transport transferred approximately \$54 million to Canadian National Railway, which was privatized in 1995, under this agreement.

Private Members' Business

Let us compare this to the Quebec Bridge. The bridge was built as part of the National Transcontinental Railway, which later merged with the Canadian National Railway, CN. The federal government retained ownership of CN until 1993. The federal government transferred ownership of the Quebec Bridge to CN for \$1 in 1993.

There is currently no agreement between the federal government and CN with respect to federal contributions to the cost of maintaining the automobile portion of this bridge even though CN did enter into such an agreement with the Province of Quebec. In 1997, the federal government agreed to contribute, together with the Province of Quebec and CN, to bridge repairs costing \$60 million. The federal government allocated \$6 million—\$600,000 per year over 10 years—to the project.

CN and the federal government are currently in court over this project. The federal government claims that the project includes painting the bridge, but CN decided that it would not paint the bridge because of the additional cost of environmental mitigation.

That is the situation today. The member for Louis-Hébert is worried about the outcome of the dispute between CN and the federal government and has proposed a solution whereby the federal government would assume complete responsibility for the bridge to ensure that all necessary work is completed.

However, I believe that immediate assistance is required to protect the safety of everyone using the bridge as well to preserve this important historic structure.

[*English*]

What I would like to recommend to my colleague is an amendment that would strengthen Motion No. 423. It is my belief that this amendment would also satisfy the members opposite and, hopefully, push the government into maintaining the Pont de Québec.

[*Translation*]

Mr. Speaker, if the member for Louis-Hébert would accept my suggestion, the amendment would read as follows:

That the motion be amended by substitution of the word “and” after the word “dollar” by a comma and by adding after the words “Quebec City region”, the following: “and should enter into discussion with the CN regarding the responsibility for the cost of maintenance and repair”.

I firmly believe that reaching an agreement with CN could ensure the adequate maintenance of the Quebec Bridge that we all seek.

• (1740)

The Deputy Speaker: I must inform the hon. members that pursuant to Standing Order 93(3), an amendment to a private member's motion or to the motion for the second reading of a private member's bill may only be moved with the consent of the sponsor of the item.

I therefore ask the hon. member for Louis-Hébert whether he consents to this amendment being moved.

Mr. Pascal-Pierre Paillé: Mr. Speaker, I agree.

The Deputy Speaker: The motion is in order.

Resuming debate. The hon. member for Elmwood—Transcona.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to the motion this evening, and I certainly was prepared to speak to the motion on previous occasions. On December 1, 2009, and March 24, 2010, we had robust debate in the House on this particular issue.

This is a common problem throughout this country. Unlike European countries, Canada seems to build infrastructure that has a very, very limited lifespan. We are halfway between European structures, which seem to last hundreds of years, and Las Vegas, where buildings that are only 20 or 30 years old are demolished.

A new Winnipeg airport is being built at the moment. I would think any other country would have found a use for the old airport. Instead, the old one is to be torn down. An arena that was torn down four or five years ago would have been perfect for use by poorer areas of the city that are always short of recreational facilities, but the government simply tore the structure down.

This is a similar situation. The bridge was built a number of years ago. There was a story that it was referred to as one of the eight wonders of the world at one time, when the construction was completed in 1919. The history of this bridge is quite interesting, and I will get into it in a couple of minutes. I just wanted to comment that defective and deteriorating infrastructure seems to be a very common theme in this country.

There is a bridge in my own riding that is only 50 years old, which has been getting a lot of publicity over the last couple of years. A truck hit it and caused enough damage to it that now the entire structure has to be replaced at a cost of a couple of hundred million dollars. The Minneapolis bridge was another example, and I think it had even been inspected prior to its sudden collapse.

I did note that the government minister in charge of the infrastructure program, on one occasion last fall and again when I asked him a question this spring, indicated that now is the time to do infrastructure projects because the cost of construction has dropped drastically, particularly on big projects. We might not notice it on the home repairs we get quotes on, but certainly when we are into the millions and millions of dollars, if there ever was a time to get our construction projects done, it would be now.

To my mind, this is an infrastructure deficiency that needs to be looked at. The infrastructure funds should be used for things like this. One of the previous speakers, in reply to a question I had asked on the safety of the bridge, maintained it was 100% safe and we should not be fearmongering that the bridge could collapse. Well, come on. There has been a number of collapses of bridges, bridges in fairly good shape. Inspected bridges do collapse, so to let our infrastructure deteriorate does not make sense at all.

Private Members' Business

In this particular case, Canadian National Railways got a sweetheart deal. We could get into the specifics of the deal, but a deal was made by the previous Liberal government, which turned over a fairly substantial portion of land, worth I forget how many millions of dollars, on condition that CN take care of the bridge. Now that it is a private corporation, it is seeking to hide from its responsibility. The whole issue appears in court and, convenience of conveniences, the government can now hide under the fact that it is before the courts and there is nothing it can do. CN gets away with all the government's real estate and it is not fulfilling its contract and the condition of the bridge is getting worse.

● (1745)

That is a situation we find ourselves in many times when we are dealing with private entrepreneurs. We see this with private stadiums and sporting facilities. Any time there are private owners, they tend to take the government money and the incentives the government gives. It never seems to fail that, halfway through construction, they are there with their hands out for more. Things did not go the way they planned. They have new information and now they need more money. They demand that we pay up and if we do not pay up, then they are going to shut the structure down. They know they have the government in a bad situation here.

We are offering to buy the bridge back. We want the bridge to be bought back for a dollar, but what is going to happen with all these lands? CN is now a privately owned company, run more by Americans. Is it going to be returning that land, or is it going to be compensating for the value of the land?

These are all issues that will have to be resolved in the court case. As our critic from Outremont explained in his speech, the only people who are going to benefit from all this are the lawyers, at the end of the day. That is the sad part of it. Whenever we involve lawyers in the equation, all the money ends up being used up by the lawyers and none is left for the people.

My staff found some information about this bridge that I found very interesting. In 1907, in Quebec the biggest cantilever bridge in the world was being built. Little did people know that on August 29 they would also experience one of the biggest bridge collapses in history. The bridge across the St. Lawrence, six miles above Quebec City, was a brainchild of the Quebec Bridge Company, which was a group of local business people. Until then, goods were brought up from the south shore to Quebec City by ferry.

In 1903, the Quebec Bridge Company gave the job of designing the bridge to the Phoenix Bridge Company. It also contracted a renowned bridge builder from New York by the name of Theodore Cooper to oversee the design and construction of the bridge. The peculiarities of the site evidently made the design of the bridge very difficult. The St. Lawrence was a shipping lane and the 2,800-foot bridge had to have an 1,800-foot single span almost 150 feet above the water to allow the ocean-going vessels to pass.

The bridge was to be multi-functional and was to be 67 feet wide to accommodate two railway tracks, two streetcar tracks and two roadways. For those who are not familiar with the design, they have to think of it in terms of a continuous beam anchored at both ends to pillars. The key to the bridge design was the weight of the centre span. This kind of design is also used in large buildings where

interior pillars cannot be used to support the roof, for example, in the case of aircraft hangers.

In late 1903, the Phoenix Bridge Company laid out the initial drawings of the bridge. The design was approved with very few changes by Cooper. The estimated weight of the span was to be calculated based on the initial drawings. In 1905, the working drawings were completed and the first steel girders were bolted into place. These working drawings took more than seven months to reach Cooper for final approval. In the meantime, the work had already begun. It was not until Cooper received the drawings that he noticed that the estimated weight of the span was off on the low side by almost eight million pounds.

Cooper had one of two choices. He could condemn the design and start over or take the risk that there would be no problem. He told himself that the eight million pounds was within engineering tolerances and he let the work continue because he wanted to be known as the designer of the greatest bridge in the world. Also factored into Cooper's decision was the fact that the Prince of Wales was scheduled to open the bridge in 1908 and any delay would upset his plans.

That was a very fateful decision. I do not have enough time left to finish all the details of this story, but as the members know, the bridge did in fact collapse. I believe it took about 12 years before the bridge was finally brought into use and completed in August 1919. I just wanted to share that with members. If anyone is interested in more details about this, they can certainly contact me.

● (1750)

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I am pleased to speak to this motion. Even though I do not have much time, I would be remiss if I did not mention the outstanding job my colleague, the member for Louis-Hébert, has done on this issue.

This issue has dragged on for a number of years. I was elected in 1993, and I recall the member for Louis-Hébert who was elected in 1993, Philippe Paré, who is still alive and well and who raised this issue in the House. Thanks to the tenacity of the current member for Louis-Hébert, the issue of the Quebec Bridge is before the House today. There are people in this House who know that the Quebec Bridge is a historical jewel. In 2008, Quebec celebrated the 400th anniversary of its founding.

Unfortunately, successive Liberal and Conservative governments have dragged their feet so much that we are still talking about this issue today, in April 2010. I wanted to mention the work my colleague from Louis-Hébert has done.

As I said, the Quebec Bridge has been declared an international historic monument to civil engineering, but it would appear that this jewel is in very poor condition. The deterioration of the structure and major corrosion problems are increasingly cause for concern.

Private Members' Business

At a chance meeting, I had an opportunity to talk with someone who had done some inspection work on the bridge. This worker, whom I will not name, told me that some parts of the bridge were unbelievably corroded. The corrosion was so severe that with minimal pressure, one could almost poke through some pieces of steel. I do not want to cause panic among the people in the Quebec City area who frequently cross the river in both directions to go to work. They are the reason this bridge, like the Pierre Laporte Bridge, is so busy.

I will say it again, it does not mean that trains and automobiles should not be able to use the bridge, but desperate times call for desperate measures. This is no joke. The problem is that Canadian National, which is no longer a crown corporation as we once knew it but is a private company owned mostly by Americans, is refusing to undertake the necessary maintenance to repair the Quebec Bridge or to keep it in proper condition.

Mr. Speaker, I believe that you represent an Ontario riding. I do not know if you visit Quebec City often, but this bridge is part of the city's highway system. It is a vital piece of infrastructure. It is historic and part of our heritage, but it is also essential to traffic.

The Bloc Québécois—and this is the idea behind the motion moved by my colleague from Louis-Hébert—believes that the federal government must buy back the Quebec Bridge immediately and undertake the necessary repairs as quickly as possible.

● (1755)

Since the Conservatives came to power, they have gotten very good at putting the blame on others, at putting their heads in the sand and at sweeping things under the rug. They have perfected these techniques. Since the Conservatives came to power, not one spot of paint has been applied to the Quebec Bridge.

The current minister of Foreign Affairs, who was the minister of transportation when the Conservatives began their mandate, simply began a lawsuit against CN. Because going after CN made things happen. Teams of hundreds of workers are now preserving the bridge. No, the Conservatives merely sued CN. These are the Conservatives, after all.

However, in the 2006 quest to elect Conservative members in the Quebec City area, the current Conservative Prime Minister did not hesitate to say that he would work on the file. I remember the wonderful press conferences with all of the Conservative candidates on the Dufferin boardwalk with the Château Frontenac in the background. I remember that. In Quebec, it so happens that we have a fine motto: "Je me souviens" or "I remember". And I do remember. And we will remember what the Prime Minister said to us in 2006. He made great promises, especially because in 2008 Quebec City was going to be celebrating the 400th anniversary of its founding. Since then, there has been nothing, zip. Nothing has been done.

Instead of taking effective, practical action, assuming their responsibilities and moving forward, the Conservatives decided to ignore the problem, as I said earlier. This lawsuit is meant to cover up the Conservatives' inaction in this file.

What we are asking for, what our dynamic colleague from Louis-Hébert is asking for, is that the federal government resume work immediately and assume the cost while we wait for the courts to

decide, or that the government take steps to reclaim ownership. If we wait for this problem to be resolved, we will inevitably watch as the Quebec Bridge continues to deteriorate for the next 10 or 12 years. Technically, this case could wind up before the Federal Court. It could end up going as far as the Supreme Court of Canada and we all know how backlogged the courts are at this time. Nothing will be done.

That is why we are calling on the government, if it really cares about the interests of the people of the Quebec City area, to take steps to reclaim ownership of the Quebec Bridge.

I do not mean to completely dismiss them, but we are dealing with a bad corporate citizen, namely, CN. CN is not assuming its responsibilities and is behaving like a bad corporate citizen. Of course, it was a bad decision at the time to hand the Quebec Bridge over to CN. There is a saying, which I did not invent, that states that we cannot put toothpaste back into the tube. In other words, we cannot go back in time.

If the Conservatives wish, if they have an ounce of good faith or an ounce of good will, they will begin steps to reclaim ownership of the Quebec Bridge and they will immediately begin the repairs that are so urgently needed.

● (1800)

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, I am very pleased to speak to motion M-423, which proposes that the Government of Canada purchase the Quebec Bridge and finish the repair work.

I would like to focus on three essential aspects of motion M-423. First, I would like to explain why it is important to keep the Quebec Bridge in good condition, for historical purposes, but also for transportation purposes. Second, I would like to talk about the key role that CN plays in maintaining the bridge and completing the massive restoration project. Lastly, I would like to talk about the measures taken by the Government of Canada to come up with a solution that will get the repair work done.

The bridge linking the north shore of the St. Lawrence, in Quebec City, to the south shore, in Lévis, was built over several years at the end of the 19th century. Replacing the ferry system used at the time by a railway bridge was seen as a way to speed up the economic development of the region.

Construction work on the Quebec Bridge started in 1900. It was a huge challenge that had its share of setbacks.

The first attempt ended in total disaster in 1907, with the collapse of the south arm of the bridge, which resulted in the death of 75 workers. The second project began in 1910, but again ended in disaster. In 1916, when the central span was being raised into position to be attached to the two cantilever arms, it fell into the St. Lawrence River taking with it 13 more lives.

The determination of the engineers and construction workers paid off and the bridge was completed by the federal government in 1918. It was part of the Canadian National Railway.

The Quebec Bridge remains the longest cantilevered bridge span in the world to this day. It was designated a national historic site by the Government of Canada and declared a historic monument in 1987 by the Canadian Society for Civil Engineering and the American Society of Civil Engineers. It is a testament to the hard work, talent and perseverance of the Quebecers and Canadians who helped build it.

In the 1920s and the 1940s, the bridge underwent major renovations in order to accommodate automobile traffic. It currently has one rail line and three highway lanes that provide an economic and social link between businesses, communities and families in the region. On average, it is used every day by 31,000 vehicles and up to 10 CN and Via trains.

Given the historic value of the Quebec Bridge and the essential role it plays in the transportation networks, the government recognizes the importance of keeping it in good condition.

The Government of Canada also recognizes that CN has to assume its crucial responsibility of maintaining the bridge and preserving its long-term viability, as well as completing the major restoration project.

In 1923, the federal government conferred the operation and management of all Canadian government railway lands, including the Quebec Bridge, to CN, a newly formed crown corporation at that time. For the past 85 years, CN has been responsible for the operation and management of the Quebec Bridge.

Over the last two decades of the 20th century, the Government of Canada started commercializing transportation services and divest itself of its infrastructure.

In 1993, the government concluded an agreement with CN, agreeing to hand over the titles of all its railway lands, including the Quebec Bridge. In exchange, CN committed to funding a major bridge maintenance program to restore the bridge and ensure its long-term viability.

CN is the owner of the Quebec Bridge and is entirely responsible for its operation, maintenance, safety and complete restoration. CN received generous compensation from Canadian taxpayers to assume these responsibilities in the form of land transfers from the government.

Despite additional investments by the Government of Canada, CN still had not completed the restoration work in 2006. Only 40% of the bridge surface had been repainted and some structural work had not been completed. In the opinion of the Government of Canada, the agreement included completion of painting and structural work.

Realizing that the restoration work would not be completed and that the previous Liberal government had dithered, our government decided to go ahead with legal action in 2007, in order to force CN to fulfill its obligation to completely restore the bridge.

As I mentioned, this dispute is currently before the courts. Our government is hopeful that the proceedings will ensure that CN

fulfills its obligations. We wish to ensure that the restoration work is completed and that the interests of Canadian and Quebec taxpayers are protected.

• (1805)

We are also aware that, despite the legal proceedings currently under way, people who use the Quebec Bridge have questions about how safe it is.

I want to say that we have listened to their concerns and that our government considers the health and safety of those who use the structure every day to be a priority.

As such, I want to emphasize that, based on recent visual inspections by CN, an independent firm and Transport Canada inspectors, there is no cause for concern about the safety of the bridge right now.

In closing, I want to stress the fact that the Government of Canada recognizes the importance of keeping the Quebec Bridge in good repair because of its historic value and vital role in the transportation network. As the owner of the bridge, CN must fulfill its obligations to completely restore the bridge and ensure its long-term viability. The Government of Canada is involved in this matter and is working hard to find a solution that will result in the completion of bridge restoration work.

The Deputy Speaker: The hon. member for Louis-Hébert for his five-minute right of reply.

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Mr. Speaker, the passage of this private member's bill is of historic importance, mainly because this problem has dragged on forever without a solution. The rise in costs due to this government's wait-and-see attitude will be historic. History will remember that the government used every excuse to do nothing about the Quebec Bridge. This issue is also historic because the bridge is internationally recognized as a heritage jewel.

History is still being written today, and I invite the members present here to vote in the interests of the public. Not along party lines. Not with that old-fashioned political mentality that no one believes in anymore. Now that would be historic.

The Quebec Bridge is in the heart of the city and is a main artery through the Quebec City area in terms of trade, tourism, history and heritage.

The Quebec Bridge is the longest cantilever bridge in the world, and it is known the world over.

This storied bridge has suffered at the hands of the government, which sold it to CN when it was still a crown corporation, before it was privatized. The more time goes by, the more the government's responsibility erodes away, and we hope the bridge will not erode away as well.

The longer problems with the Quebec Bridge drag on, the more cynical people get about politics. This proves that there is a flagrant lack of leadership in this country and makes people think that politics is useless.

Adjournment Proceedings

A parliamentary decision to take over the Quebec Bridge would be historic if the government were to take responsibility and do the work.

The passage of this bill will be even more historic if all Quebec members vote for it. Conservative Quebec members will make history if they vote against the party line and support the bill. I want to point out that party lines do not apply to private members' bills.

Historically, Quebec's importance has systematically been played down. For a long time now, I have had my doubts about Quebec's political weight in Canada's Parliament. If Quebec members vote against this bill, they will be reinforcing an unfortunate historical fact. Keeping the bridge in good repair is a matter that directly concerns several members, and I refuse to believe that they would vote against the interests of their own constituents.

I must clarify that the safety of citizens must never be a historic event. It should be a given and at the top of the government's list of priorities.

I expect Parliament to ensure that a positive and accountable decision is entered into the history books. I am calling on this House to write history. I am calling on this House to take possession of the Quebec Bridge. I am calling on this House to take its responsibilities and complete the repair work of the bridge.

I am calling on this House to ensure the safety of the public by taking action for the future. I am calling on this House to write a page of history, not with coercive law, but with a plan that will generate hope and confidence.

I am calling for the right to be proud of a historic heritage monument that must belong to the community. I am calling on hon. members to vote in favour of this bill.

● (1810)

The Deputy Speaker: The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: On division.

The Deputy Speaker: I declare the amendment carried.
(Amendment agreed to)

[*English*]

The Deputy Speaker: The next question is on the motion as amended. 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 stands deferred until Wednesday, April 28, immediately before the time provided for private members' business.

● (1815)

Mr. Jeff Watson: Mr. Speaker, I believe if you were to seek it, you would find consent to see the clock at 6:30 p.m.

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

VETERANS

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, I am rising today for another opportunity to discuss an issue that is of concern to every member of the House. I do not claim to have a monopoly on interest in the care of our veterans. However, I do have an interest in raising with the government some serious concerns I have about the government's ability and desire to make some significant changes in the way we approach veterans' issues.

On March 29 I asked the minister a fairly easy question. I referred to the fact that men and women are returning from Afghanistan having fought for our country, having witnessed the horrors of war. Some are returning with serious injuries and the government only offers platitudes and hollow symbols. The throne speech and the budget were not rooted in reality.

These veterans are asking for a change to some of the programs that are offered by Veterans Affairs Canada. In particular, we have heard repeated requests that lump sum payments for disabilities be replaced. They are failing to meet the needs of veterans in the near term and they are also not adequate for long-term care. We asked if the government had a single new initiative to announce to veterans that was meaningful, hopeful and real.

The minister mentioned that the ombudsman was reviewing this matter. We know that the ombudsman is conducting round tables and town halls across the country. The Liberal Party also has had a significant number of meetings with veterans across the country. As well, the Standing Committee on Veterans Affairs is reviewing the new veterans charter. However, what we have been hearing in this review is that for four years since the Conservative government was elected nothing has changed despite the fact that the government has heard repeatedly that there are problems with lump sum payments, especially for young veterans returning to this country.

Adjournment Proceedings

The minister acknowledged that there is a lump sum payment and ongoing help, other rehabilitative programs and the services that will help veterans reintegrate into civilian life. However, we have heard repeatedly that this is not adequate, that the measures taken by the government are failing our veterans. We are looking for a significant statement from the government that it will not only listen to the ombudsman but also the committee.

This morning in committee we heard the chair of the special needs advisory group which has been advising the government on the needs of veterans who have catastrophic injuries. He told us the group has issued four reports with over 200 recommendations over the last four years, but the group has not received a written reply or response and has not seen any changes made even though over 200 recommendations have been made to the government.

The special needs advisory group is concerned about the facility of the government to actually meet the needs of our veterans. Some veterans have come back with complex injuries, perhaps with over 75% disability, and they have no real chance of being fully integrated into a work life. These men and women who have given their selves, their souls and their lives in the service of the country are dependent upon our commitment, our concern and the covenant we have made with them.

● (1820)

Mr. Greg Kerr (Parliamentary Secretary to the Minister of Veterans Affairs, CPC): Mr. Speaker, I thank my hon. colleague for raising the issue this evening. We tend to be together at many functions regarding these important issues. He is right when he says that today is an example whereby our committee meets and hears from a number of witnesses on these important matters.

I would like to point out that it is absolutely appropriate that we hear from various witnesses about the work that is left to be done. It is not all perfect. There is a lot of service left to be provided and government has to stay focused on that. However, I take exception to one point, which is to suggest that nothing has happened is probably quite inaccurate.

He referred to the ombudsman, which was one of the actions taken in the last couple of years. The idea of having an ombudsman is to find things that are perhaps inadequate or places where we can make improvements. That was something we put in place a couple of years ago and it is showing some results.

I would also like to point out that as we are doing our charter review, although there are a lot of needs left to be covered and concerns left to be addressed, one of the realities is that there is great evidence showing that this new co-operative venture between the Department of National Defence and Veterans Affairs is really paying dividends. A lot of clinics are in place now and a lot of early intervention whereby those in great distress arriving home early from the war are met by peer groups and professionals at an early stage, certainly before they transfer out of the military and into civilian life where the role of Veterans Affairs becomes very significant. There is a lot of preliminary work done.

One of the things we are certainly aware of is that the needs of the new veterans are very great and very complex and to suggest that we are anywhere near where we have to be, of course, would be erroneous.

However, I feel comfortable in saying that a lot of progress is under way. The charter has provided a lot of new opportunities for many veterans and there is an extensive network of health care across the country in our co-operative venture with the provincial system. As I said, there are OSIs and other initiatives under way. The operational stress support is still in the early stages but there is a recognition that this is an important undertaking and one that is showing results.

Even though we have a long way to go, it is important to get on the record that progress is being made and that progress is simply that. It is not the end of the trail. A lot of work is left to be done. The integration and efforts with DND is starting to pay dividends and some of the initiatives that are coming back, including the ombudsman's reports and so on, will be very helpful as we move forward.

I do know that through our committee process we are giving a good vetting to the issues that are coming to us from many concerned witnesses. I think they are all genuine in their expressions and views on what we can do.

I expect that as the process continues we will continue to make improvements. I also want to say that Veterans Affairs' staff, officials and professionals do a terrific job and it is incumbent on us to ensure we continue to provide resources and initiatives that enable them to do an even better job in the future.

Mr. Robert Oliphant: Mr. Speaker, I thank the parliamentary secretary for his concern for veterans, which I know is genuine.

I want to focus on the lump sum payment because we hear repeatedly that this is a problem. Despite the smorgasbord of other programs that are available, there is a particular problem around the lump sum payment. I am waiting to see whether the government is giving adequate reconsideration to this issue.

One of the things the government has been fond of saying is that it comes with the capacity to receive reimbursement for financial counselling and that once a veteran receives \$100,000 or \$200,000, he or she can get help with investing.

In a question that I submitted for a written answer, I found out that only 1% of those receiving lump sum disability payments actually availed themselves of that program, which means that 99% of veterans who receive a lump sum payment never get the kind of financial counselling that Veterans Affairs provides. It is a concern for me as to whether they know they can get it.

● (1825)

Mr. Greg Kerr: Mr. Speaker, I know the member will continue to raise that issue. We have heard quite a bit about lump sum payments.

The financial issues have come to the forefront probably as much as the actual physical and stress issues. However, we also need to be mindful, as we do our review and make our recommendations, that even though we are hearing that there are problems, even today from a witness in answer to a question, it may not be as simple as getting rid of the lump sum and making it a monthly payment. Perhaps there are other counselling processes and other types of initiatives that we can take.

Adjournment Proceedings

At the end of the day, however, we need to remember that this is a living charter, an ongoing changing process. That is the commitment the government made when it was put in place and so our obligation needs to be to listen to veterans and ensure we respond to them.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands

adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:25 p.m.)

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