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Chair

Mr. Gary Schellenberger

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• (1110)

[English]

The Chair (Mr. Gary Schellenberger (Perth—Wellington, CPC)): Welcome to meeting number 40 of the Standing Committee on Canadian Heritage. Pursuant to the order of reference of Friday, March 6, 2009, we are studying Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their “enemy alien” designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

We move today to clause-by-clause consideration. Pursuant to Standing Order 75(1), consideration of the preamble in clause 1 is postponed.

The chair calls clause 2.

Mr. Calandra.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): I just have a point of order, Mr. Chair, that may perhaps lead into a point of privilege.

I know the committees I've been reviewing outlined specifically the order in which questions are to be asked. None of them at this point have referenced how long the answers need to be. I'm wondering if the Standing Orders outline specifically how long answers are required to be.

The Chair: No.

Mr. Paul Calandra: Okay.

Then having said that, Mr. Chair, if you would hear me on a point of privilege, I'd appreciate it.

Last week in this committee the member from Timmins—James Bay twice referred to something that he said I said, which I did not say. He referred twice to witnesses on the record saying that I said no apology was ever necessary. In fact I never said that; I said that I was recounting a story to the member with respect to what other individuals had said to me.

I was further disappointed to see that the member, like a schoolyard bully in grade three, had gone further to suggest in *The Hill Times* that the comments recounted to me by the people I had talked about regarding this bill, which I then discussed with the witnesses here, somehow made me a bush league member of Parliament, and he further insinuated that as an elected member I don't have the right to sit on this committee.

Mr. Chair, I don't deny this is a very emotional topic. I have never at any point denied that this is very important to Mr. Pacetti, who brought the bill forward in good faith. I might not like the bill, but I've never questioned his ability to bring it forward and advocate on behalf of the people he wants to help.

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Chair, I'm sorry, on a point of order, I missed the beginning. Which member is he talking about?

The Chair: It was Mr. Angus.

Mr. Massimo Pacetti: Okay.

Mr. Paul Calandra: I think the member owes an apology to the people I had talked about in my discussions with the witnesses.

I can tell the honourable member that my family started coming to this country in 1955. If my family decides and if the people who have built this country, who've sacrificed so much to build this country, decide differently than that honourable member, have different feelings than that honourable member, and choose to express them through me as the elected member of Parliament, not only for the riding of Oak Ridges—Markham but as somebody who represents a great number of people of Italian heritage in the Toronto area, they should not be insulted. Their word should not be considered bush league. He should consider that they have feelings, perhaps different feelings than he has. He should perhaps reflect on that, and reflect on the fact that we are elected, and we may have different desires and we may have different things we want to push here, but ultimately we have to respect the fact that each of us has the opportunity, by virtue of the fact that we're elected, to push things that are important to us.

As I said as I began, Mr. Chair, this is obviously an extraordinarily emotional discussion for me. To suggest that it's not going to be something that causes frustration or anger at some point is completely wrong.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): I have a point of order, Mr. Chair.

Be nice and just tell us if you're filibustering for two hours. We'll do something else.

• (1115)

Mr. Paul Calandra: I'd like to continue, Mr. Chair.

The Chair: Carry on, Mr. Calandra.

Mr. Paul Calandra: I would ask whether the honourable member from Timmins—James Bay would....

I've gone back over the Hansard as well, actually.

Mr. Pablo Rodriguez: You're filibustering.

Mr. Paul Calandra: I've gone back over the Hansard of last Tuesday.

I wonder whether—through you, Mr. Chair, if he's unwilling to do so—we could seek that the honourable member apologize to all of the people he insulted because they have a different point of view. It's somewhat ironic that he's talking about an apology, yet he took his last opportunity here, and in the press, to basically call all of the people who have an opinion different from his bush league for having different feelings on this.

Through you, Mr. Chair, I wonder whether you could ask that the honourable member reflect on the words he said at the last two meetings and consider writing an apology to those people for his words.

The Chair: Mr. Angus, would you like to respond to that, please?

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. Chair. I'll keep it short.

I remember very well what I said the honourable member had said, which was, "What's there to apologize for?" He is correct; that was what his uncle said. I refer to that because it was pretty clear that the government doesn't believe there is anything to apologize for, and that's their opinion.

If he felt that I was saying "he said" instead of "His uncle said, 'What's there to apologize for?'" then I would certainly apologize, if he was misunderstood.

As for his being upset about my comments in *The Hill Times*, I've been on this committee with the chair for five years. We have a way of working at this committee. Sometimes it's raucous, but we have all kinds of witnesses, and I find that we have a really high level of respect for our witnesses.

I would be rather concerned with my honourable colleague's attempting to use all the citizens of Markham to hide behind. When I said there was bush league behaviour—and I don't know whether that was a direct quote, but I'd say bush league behaviour—it was bush league behaviour from the member; bush league behaviour towards witnesses who came representing the Italian community. Frankly, I was embarrassed. I said I had never seen this guy before he showed up at our committee, and I felt he was very disrespectful to the witnesses.

If he can't take that, well, that's too bad, but he shouldn't use the people of Markham to hide behind and he shouldn't use our committee to attack witnesses who come here in good faith.

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro (Peterborough, CPC): Thank you, Mr. Chairman.

On the same question of privilege, I really didn't like what was said about the member, with due respect to Mr. Angus. I think if we break down to the point where we're actually calling each other names in the paper.... We've had some incidents recently, but not, I think, referring to the member. I read the article, and I think it actually refers to Mr. Calandra as a bush league MP.

Frankly, I'll acknowledge that some of our questioning of the witnesses who came forward was tough, but it needed to be tough, because we're trying to make a point, and that point is quite simple: that no one group represents all Canadians of Italian descent in this country; they simply don't. I have had no interaction with the Italian congress at all, and I've been a member of my local Italian club for more than a decade; I have served on its board. They don't represent me.

I'm not saying anything negative about them, but I think it was important that....

I'm sorry?

Mr. Massimo Pacetti: When you were first elected, you had a supper with them. Come on, don't lie.

Mr. Dean Del Mastro: I'm not lying. I'm not lying at all.

Mr. Massimo Pacetti: You're better than that.

Mr. Charlie Angus: I do have some calls to make.

Mr. Dean Del Mastro: You can go and make your calls if you wish, Mr. Angus. But I think, Charlie, that those comments were out of line.

When witnesses come in.... I chose to use my time to read into the record, because there was no other time to do it, the apology made by former Prime Minister Mulroney, and some people thought that was offensive. I'm not exactly sure it was offensive. I think you have to set the background of what has and has not been done.

To read that somehow as my being rude to witnesses.... I've been on committees all the time where members don't ask a question of the witnesses, and that's how they choose to use their time. I think there has to be an acknowledgment, Mr. Chair, that when members have their time for questioning, they may use it as they see fit. It's not being rude; it's not being bush league.

It just doesn't set a very good foundation for how things are going to go on this bill.

● (1120)

The Chair: Mr. Calandra.

Mr. Paul Calandra: Again, Mr. Chair, I would just like to reiterate that the Standing Orders, obviously, again, make no reference to how long witnesses have to be given to respond to a question. It also does not mention there if there has to be a difference between asking a question or making comment.

When we're talking about a bill such as this one, it would be absolutely unrealistic to expect the son of an immigrant not to come here with an emotional reaction and not to make comment. I wonder if the member would have the exact same feeling on the behaviour that he gave when the minister appeared before this committee, if he would characterize his own behaviour as bush league.

The reality is, Mr. Chair, that he's elected. If that's the way he wants to act when somebody is here and wants to ask questions, that's his right to do so. I certainly don't go out into the public and suggest that he doesn't have the right to represent his constituents the way he wants to represent his constituents. I certainly don't go out in public and, like some grade two kid in the schoolyard, start throwing insults back and forth because that makes me somehow feel better. It went against everything that we've been talking about in this committee with respect to this bill in the last two meetings.

Frankly, I'm not hiding behind the people of Markham, Mr. Chair. As I mentioned in committee, I had the opportunity to speak to many people. I have a very large family and I have a very large Italian community in my community. Many of the people I spoke to had the same feelings that I have with respect to this particular bill.

Do 100% of them? Absolutely not. Are some of the people I spoke to in favour of what Mr. Pacetti has brought forward? Sure, they are. But I've been elected to represent all of those people. He is calling me a bush league member of Parliament, and the comments that I brought forward, through those people, as being bush league somehow, because they are immigrants and they aren't always able to speak on their own behalf. Perhaps my uncle, who has been in this country since the late fifties, might have liked to have come and spoken to this, but he still doesn't have the best grasp of the language. He's probably a little bit frightened to do something like that. Your comments, basically, threw in his face his inability to do that, threw in the face of every single person I had spoken to leading up to this that somehow they are unworthy of expressing their opinions through their elected member of Parliament because their opinion is different from yours.

I think you owe them a better apology than that. You owe them an apology in public and in this place for your comments. Perhaps you can reflect on that in the future. There are a lot of individuals out there who don't necessarily agree with you, who have a difference of opinion, who might want to reflect those opinions through their member of Parliament. You might want to reflect in the future on how you express your disagreement.

I can assure you that when my father came here, he didn't speak a word of English; my uncles didn't speak a word of English, and they were able to build extraordinary things in this country. They did a hell of a lot for this country, as have all immigrants from all over, not just Italians. And when you tell them that their comments are unworthy of Parliament or of a committee of Parliament, you throw it in the face of everybody who's sacrificed so much to come to this country. I think perhaps that's what you should reflect on, not the ridiculous apology, or purported apology, that you just gave.

Mr. Charlie Angus: I don't want to interrupt if he's going to keep going, but I think the issue here was the appalling disrespect he showed to representatives from the community. That was the issue.

So now that we've addressed that, he can go back and run all the ten-percenters he wants, in whatever riding he wants. But can we get onto this bill?

•(1125)

Mr. Paul Calandra: Mr. Chair, am I allowed to comment on that?

The Chair: Mr. Calandra.

Mr. Paul Calandra: Again, I went back over the Hansard, Mr. Chair. He calls it appalling behaviour to recount the story of my parents' arrival in this country. He says it's appalling that I recounted that the town they came from in Italy was a devastated community. He finds it appalling that I explained how well this country has done by our family and by Italian immigrants. He finds it appalling that people disagree with him. He finds it appalling that I would express that to the people here. The reason I did not ask them a question is I wanted them to know how I felt.

They purported to be the representatives of all Italians in this country. I can tell you they did not represent the people I talk to, they did not represent me, and I felt it was important to take the time to explain to them how I felt about this bill, knowing full well there would be subsequent rounds where I could ask a question, at which time I did do that.

So I wonder if he could specifically tell me—because he is so frightened of apologizing for what he did, for the disrespect he has shown not just Italian immigrants but all people who might be afraid to come before this committee and speak, who don't have the same confidence—what was insulting about recounting how difficult the circumstances were and how privileged we were to have come to this country.

Failing that, Mr. Chair, again I would ask that you ask the member if he's unwilling to apologize for all of that, apologize for what was truly appalling disrespect for anybody who has come to this country, who doesn't necessarily have the same things he has....

The Chair: Any response, Mr. Angus?

Mr. Charlie Angus: I feel bad for my honourable colleague. He's obviously feeling pretty bruised, but can we move on and get something done today?

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you, Mr. Chairman.

Mr. Chair, I move that Mr. Calandra express his concerns to you in writing, and maybe you could seek from the member opposite a response in writing and we can move beyond this.

Mr. Charlie Angus: A letter to the editor.

Mr. Dean Del Mastro: Not a letter to the editor, a letter to the chair. If the member doesn't see fit to respond, that's okay, but I am suggesting the member allow the committee to move past this. I think that's what I heard on the other side. Perhaps he could give you something in writing that you could then forward to the honourable member across, and we can consider this matter dealt with for now.

The Chair: Shall clause 2 carry?

Mr. Del Mastro.

(On clause 2—*Recognition*)

Mr. Dean Del Mastro: Thank you, Mr. Chairman.

Mr. Chair, I couldn't possibly have planned this, in case anybody is concerned, but this morning the buildings across the water that house the Department of Canadian Heritage were evacuated because of a gas leak. All my materials for this bill are over in that building. I'm trying to get them here. They have allowed somebody into the building, but I will need more than just "shall something carry". I don't know what I'm voting on, because I don't have any of my materials in front of me.

Mr. Pablo Rodriguez: That's a good one.

Mr. Dean Del Mastro: Well, I'm telling you, otherwise—

An hon. member: It was on the news.

Mr. Dean Del Mastro: I obviously have a lot of things I want to raise on this issue, but I have no materials to work with, so I've sent my staff over to the Confederation Building to try to get me copies of everything they can.

Pardon me?

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Rod will help you out and give you all the materials you need.

Mr. Dean Del Mastro: He doesn't have a copy of the bill either, to the best of my knowledge.

Does anybody have a copy of the bill?

Mr. Pablo Rodriguez: Sure.

Mr. Dean Del Mastro: Bring it over. Otherwise I'm going to need more than just "shall...." My only point is, I need more information than "shall clause this, shall clause that".... I don't know what the clauses are saying, so in fairness that's all I'm asking for.

• (1130)

Mr. Pablo Rodriguez: Was anybody in that building?

Mr. Dean Del Mastro: My binders are over in that building, and I'm hoping they'll show up.

[Translation]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): That is the silliest reason I have ever heard... [Editor's Note: Inaudible]

[English]

Mr. Dean Del Mastro: You can't make this stuff up.

Thank you. I appreciate it.

The Chair: So are we skipping the preamble? That's my understanding; we're doing the preamble at the end.

Mr. Dean Del Mastro: Could you read the clause?

The Chair: It's clause 2.

The Parliament of Canada hereby recognizes and honours the contribution that persons of Italian origin have made and continue to make to the building of Canada.

Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you, Mr. Chair. If you reference both the questions and statements that have been made by members on this side of the committee and statements that have been made by witnesses, I think this clause largely recaps a statement of fact. We have no issue with clause 2.

The Chair: Okay.

Mr. Bruinooge.

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Chair, I have just a quick question, perhaps for the analysts. Are there other pieces of legislation before the House that we could perhaps reference that make similar statements in relation to particular communities?

[Translation]

Mrs. Carole Lavallée: It is up to them to do their job.

[English]

The Chair: It's been suggested there have been bills—for example, with respect to the Ukrainian community—that reference the same as—

Mr. Wayne Cole (Procedural Clerk): Well, similar provisions.

The Chair: Similar provisions, yes.

Mr. Rod Bruinooge: In the event that we wanted to perhaps get those various clauses, could we put that request through you to the analysts for a subsequent meeting?

The Chair: For a subsequent meeting, yes, that could be provided.

Mr. Rod Bruinooge: Thank you.

The Chair: The analysts could provide that.

So then there's no problem with clause 2?

(Clause 2 agreed to)

(On clause 3—Apology)

The Chair: Turning to clause 3, we have an amendment put forward by the Liberal Party.

Mr. Pacetti, would you like to present your amendment?

Mr. Massimo Pacetti: Just quickly, this is subsequent to the testimony we heard from Jason Kenney, so I think this will be a unanimous amendment. I think everybody will be for it, because this is one of the recommendations made by the minister during his responses to Carole Lavallée. And I can actually pull out a few words he said to Madame Lavallée.

[Translation]

He said, "But the bill makes no mention of the government issuing a second apology in the House of Commons."

[English]

So he's saying the bill does not request that the Prime Minister apologize. All I'm asking here in this amendment, or this addition, is that:

The Prime Minister shall, in the House of Commons, offer the apology referred to in subsection (1) on behalf of the Government of Canada and the Canadian people.

It just clarifies the point Mr. Kenney made in his testimony last week.

The Chair: Okay.

Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you.

Of course, Mr. Kenney wasn't speaking in support of that. What he was doing was specifically indicating that nowhere in the bill did it ever suggest that an apology would be made in the House of Commons or that the apology would be made by the Prime Minister. It was a statement of fact of what's in the bill.

The bill, of course, is premised on the ACE agreement. We certainly heard that from a number of the witnesses who came before committee. We certainly heard that Ms. Minna—who is not here to defend herself, so obviously I won't impugn her in any of my comments—was indicating that this bill was consistent with the 2005 ACE agreement the Liberal Party signed with the Italian community on November 12, 2005. I want to reference that agreement with respect to clause 3. It reads:

An Agreement-in-Principle between the Government of Canada and the Canadian Italian Community, as represented by the National Congress of Italian Canadians, the National Federation of Canadian Italian Business and Professional Associations, Order Sons of Italy of Canada, and La Fondation communautaire canadienne italienne du Québec.

● (1135)

Canada is one of the world's most ethnically and culturally diverse societies and recognizes diversity as a source of strength and innovation. However, Canada's past includes actions that are inconsistent with the values Canadians hold today. As a result of the Second World War, Italians in Canada

—including my grandfather, for example—

were designated as enemy aliens. As well, under the authority of an Act of Parliament, some Italians in Canada and some persons of Italian origin were interned.

Members of the Italian Canadian Community have a strong interest in commemorating and educating Canadians on the unique and significant contributions of Italian Canadians to shaping Canada's history. The Government of Canada is committed to learning from the past, and to efforts and resources for a forward-looking approach aimed at strengthening social cohesion and Canadian identity.

To demonstrate its commitment, the Government of Canada, in its 2005 Budget, announced funding of \$25 million over three years to the Multiculturalism Program of the Department of Canadian Heritage to acknowledge, commemorate and educate Canadians about the historical experiences of ethnocultural communities affected by wartime measures and immigration restriction. Initiatives funded through this program will seek to highlight the contributions made by impacted communities in the building of our country.

The Government of Canada and the Italian Canadian Community have developed this Agreement-in-Principle, premised on the principles of 'no compensation' and 'no apology'. This is a first step in articulating their shared vision for the acknowledgment, commemoration and education [or ACE] of Canadians on the historic experience of Italians in Canada who were designated as enemy aliens and some of which, as well as some persons of Italian origin, were interned. It also highlights the contributions that the Italian Canadian Community has made to building Canada. It is the intention of both parties that a final agreement, including additional funding and an appropriate acknowledgement by the Government of Canada of national internment operations, will be concluded as soon as possible.

The Government of Canada plans to provide an initial amount of \$2.5 million to the National Congress of Italian Canadians Foundation through the Acknowledgement, Commemoration and Education (ACE) Program. The National Congress of Italian Canadians Foundation will coordinate, in consultation with the National Federation of Canadian Italian Business and Professional Associations, the Order Sons of Italy of Canada, and La Fondation communautaire canadienne italienne du Québec, the implementation of commemorative projects over the next three years on behalf of the Italian Canadian Community. This initial amount will enable the community to commence work on forward-looking proposals that will commemorate their historical experience and educate Canadians about these experiences; highlight and commemorate the contributions that the Italian Canadian Community has made to Canada; and promote cross-cultural understanding and a shared sense of Canadian identity.

The Government of Canada, through the Minister of State (Multiculturalism) and the Italian Canadian Community, through its designated representatives, agree to

continue to work toward a formal agreement to help build a better understanding among all Canadians.

The Government of Canada's contribution pursuant to this Agreement-in-Principle is subject to:

1. the approval of the terms and conditions and the funding for the ACE Program by Treasury Board;

In other words, the agreement was not finalized because it didn't have Treasury Board approval.

2. the annual appropriation by the Parliament of Canada for this purpose;

It didn't have the money either.

3. the conclusion of a contribution agreement.

This Agreement-in-Principle shall not be interpreted as a full and final agreement nor as constituting an admission by the Government of Canada of the existence of any legal obligation of the Government of Canada nor as foregoing/limiting any person(s) right to advance or initiate an action/claim against the Government of Canada, nor shall this Agreement-in-Principle be interpreted by any of the signatories as representing the interests of all Italian Canadians.

If we reference that to clause 3, the member has specifically brought forward that the Government of Canada, in 2005, saw fit to go out of its way to make sure there was no apology. Why did it do that? Why did it specifically write that it was made on the principles of no compensation and no apology?

There are a number of reasons, in my mind, that the government of the day signed these agreements.

● (1140)

By the way, I also have copies of the agreements made under the same program with the Chinese community, wherein the text also reads:

The Government of Canada and the Chinese Canadian Community have developed this Agreement-in-Principle, premised on the principles of 'no compensation' and 'no apology'.

The Canadian Ukrainian agreement says:

The Government of Canada and the Ukrainian Canadian Community have developed this Agreement-in-Principle, premised on the principles of 'no compensation' and 'no apology'.

The member has specifically put something into a private member's bill that his own party, when in government, went out of its way to indicate...that any of these agreements specifically did not include an apology, and no compensation—that's another important part of their distinction.

And they conclude their agreements, as I indicated earlier, with the same statement. The agreement in principle is not to be:

interpreted as a full and final agreement nor as constituting an admission by the Government of Canada of the existence of any legal obligation of the Government of Canada nor as foregoing/limiting any person(s) right to...initiate an action/claim against the Government of Canada....

There's nothing in this clause, specifically the way it's written, that protects the Government of Canada or the taxpayers of Canada, or otherwise, against civil action. And I think that's important, because if we are going to start bringing private members' bills before the House that are specifically requesting an apology without a formalized agreement in place first that would limit the liability of taxpayers to lawsuits, be they legitimate or otherwise, then it's irresponsible as members of Parliament to bring in a clause like that.

I know that persons are eager to demonstrate their support for the Italian community, as am I. I've always been very clear about the fact that I'm proud of my Italian heritage. I'm also proud to be born in Peterborough and proud to be Canadian. The fact that my family immigrated from Italy, the fact that they had experience in Canada during this period of time is part of who I am.

But ultimately we have to be diligent in making sure we're doing our job, and a clause like this is so problematic. To vote it in and not have the same protections that were in these...not to mention the fact that if they were put together predicated on these agreements from 2005 that the Liberal Party put together, in which they went out of their way to indicate that there would be no apology and no compensation.... This clause simply does not do that. In fact, it goes in exactly the opposite direction. It puts no protection in place whatsoever for the Government of Canada or the taxpayers of Canada to protect them against lawsuits that could be brought, based on a bill, should it ever come into law, that has a statement like that in it, without any kind of acknowledgement that there frankly is no agreement in place that would protect the government from lawsuits.

Thank you.

The Chair: Thank you.

Mr. Calandra.

Mr. Paul Calandra: The clause also doesn't specifically go into further details—as was brought out in a lot of the testimony—that there were a number of previous prime ministers who refused an apology.

It's a very flimsy clause. It doesn't reference the fact that there was a Prime Minister who already made an apology on behalf of the government and the people of Canada. I'm not sure how a second apology would change what a Prime Minister has already done. On the office of the Prime Minister, there was a specific question, actually, to the witnesses who were here. I asked each of them if they respected the office of the Prime Minister regardless of who filled the office of the Prime Minister. And the witnesses in fact agreed that they did respect the office of the Prime Minister.

I then went further to read the apology that was given by Prime Minister Mulroney on behalf of the people of Canada and the Government of Canada.

One of the things that has been most frustrating in all of this is not only the timing of the bill but how little there is to the bill, Mr. Chair. It is almost as if the bill were drafted very quickly and without much thought. It does nothing to explain the incredible contributions of the Italian people to this country. It does nothing to reference the 1.4 million, I think the witnesses suggested, who have come to this country as immigrants and who have built a great deal. It does nothing to reference the fact that from the 1940s on—I could be

wrong on this—five previous prime ministers outright refused to apologize to Italian Canadians. It does nothing to explain why it was that Prime Minister Mulroney finally decided to recognize the wrongs of that time period. It makes no reference to the apology that was already made to the Italian people.

Basically, what the amendment and the clause do is seek to remind Italians that there are those in society who think they are still immigrants to this country, that somehow they have yet to ascend to the role of full Canadians, and that the accomplishments they have made aren't worthy of being recognized in an act that is deemed to be so absolutely and positively important to the members opposite that they chose a time of a minority government over a time of a majority to bring something like this forward.

If we are going to have a subclause here that says “the Prime Minister shall, in the House of Commons, offer the apology”, as this subclause says, you have to reference some of the historical aspects of the apology that came through Prime Minister Mulroney.

Failing that, I think you also then have to go a bit further and follow along the lines of what Mr. Del Mastro has said. One of the reasons why, when we bring bills like this forward, we should take our time and investigate them and do them properly is so we don't create problems going forward that will again seek to divide a community all over again. I was staggered to see the attack on the individuals who are part of the community historical recognition program.

I had the opportunity, Mr. Chair, if you'll give me a moment, to go to the G-8 conference with the Prime Minister this year, which was in Italy, as you know. It was in L'Aquila, which was the site of a massive earthquake. One of the people I went on this trip with was Pal Di Julio. He is the fundraiser for Villa Charities. He has done outstanding work. In fact, Villa Charities is probably the example by which many other organizations could measure themselves. The absolute attack on his reputation and the attack on the other members of that program was staggering to me. Here's an individual who has devoted so much of his efforts since April to promote and help the people of L'Aquila recover from a devastating earthquake.

● (1145)

In fact, I attended an event with many of my colleagues opposite in late summer. It was a walkathon for the people of L'Aquila that was organized by Mr. Di Julio. The comments I got there, too, even from my provincial Liberal counterparts, were that finally the government has moved forward; Mulroney apologized, and now we have \$5 million that we can put forward to start recognizing things so that people can be educated, not only about the internment of a group of Italians, but all of the things they did to help build this country.

When you reference solely an apology, without referencing all of the extraordinary things that Italian people have accomplished in this country, I find it absolutely and utterly reprehensible. If we're going to be serious about a bill like this, we have to do what the parliamentary secretary said. We have to review all of the other acts that could impact on this. We have to get back to the community and ask them if this will resolve some of the issues.

We've seen that there's a great divide among individuals of Italian descent. There is a great divide, probably, between some of the witnesses there. They will have the opportunity to come forward to the community historical recognition program to seek funding for a number of different initiatives. In fact, I hope one of the funding requests is for somebody to recognize and publish.... I'd love to see a plaque, Mr. Chair, that outlines the apology that Conservative Prime Minister Mulroney gave to the Italian people.

It was suggested that an apology is only good if it's done here or if it's done there. Some of the most important times in Canadian history have come outside of Parliament. The arrogance to suggest that only we as parliamentarians are good enough to hear apologies, when here you had a Prime Minister who went to the Italian people, made an apology to them on behalf of the government and the people of Canada.... He didn't hide in Parliament; he went right to them. Somehow, that Prime Minister's apology on behalf of the people of Canada and the Government of Canada is not good enough. I'm not sure if it was because it was that Prime Minister or because the other five previous holders of that office before and after didn't have the courage to apologize to Italian Canadians, or maybe they didn't think that Italian Canadians needed to have an apology; maybe they didn't respect the community as much as Prime Minister Mulroney did, and of course as much as our government does. I don't know. That's something that those prime ministers and people who served in that government will have to attest to, not me.

To go a bit further, when we were in L'Aquila, the parliamentary secretary was with me, as was the Liberal critic for immigration. We provided another \$5 million, I think it was, to help rebuild parts of that devastated city. Do you know what the people who toured us around said to us? They had nothing but praise for Canada. We went to a tent city, Mr. Chair, that the victims of the earthquake were being housed in. It was an extraordinary place. The first place they brought us to was the hospital tent, which was full of medications donated by the people of Canada. Then they brought us to another tent and it was full of clothing and toys, again donated by the people of Canada for victims and survivors of the—

• (1150)

Mr. Charlie Angus: A point of order, Mr. Chair.

I know he's going to start showing us his baby pictures next, which is all perfectly fine—we don't have any other meeting scheduled—

Mr. Paul Calandra: I have some here if you'd like to see them—

Mr. Charlie Angus: I would just like to know...if they continue to talk out the clock today, we will continue to meet, and if we continue to meet—

The Chair: That's right.

Mr. Charlie Angus:—and they continue to talk out the clock, this will just be reported back to the House as passed. Is that the process?

The Chair: Your point of order has been taken, but Mr. Calandra has the floor.

• (1155)

Mr. Charlie Angus: Okay, back to you.

Mr. Paul Calandra: Again, Mr. Chair, I know the honourable member, through his actions yesterday and through the paper, has shown disrespect for Italians and our community, so I expect—

Mr. Charlie Angus: I thought you'd gotten off that. You can get back off it now.

Mr. Paul Calandra:—a silly point of order like that. To suggest that somehow talking about the hundreds of people who died in an earthquake and Canada's reaction to the earthquake, and to suggest that talking about the apology that was made by Prime Minister Mulroney is somehow not relevant to this section is ironic. And yes, if he would like to see some baby pictures, I'd love to show him some baby pictures, so he can see the type of home that we lived in when I was young. What you'll find in those baby pictures is a house with relatives. Two or three families living in one house is what you'll see if you look at those baby pictures, Mr. Chair. You'll see a family come together to build a better life in Canada, not a family that is crying, sitting in the back rooms, saying, "Oh, my gosh, we need an apology because they didn't treat some people well." They said, "No, we're going to come. We came to Canada. We're going to build a better life."

If he looks at those pictures, he'll see, as we go on, Mr. Chair, that as I'm going into grade two or grade three, there's a bit more furniture. He'll see a new car in the driveway. He'll see my mother maybe for once with a different set of clothing on, not just two dresses, one that she washes and another that she wears. What he would see, if he would take the time to actually look at those pictures as opposed to insulting Italians, is how well the community has done since it has been in this country.

For him to suggest, as he does, that's it's not relevant.... That's the whole point of why this is not a good bill, Mr. Chair. That's the whole point. What this does and what that clause does is seek to continue to divide Italians, to continue to tell them that they're not worthy, that what they have done in this country is not something we should celebrate, that somehow because of the actions of previous Liberal prime ministers they haven't measured up. Well, that's not how the community feels, Mr. Chair.

It's unfortunate that he's not going to take the time to look at some of those pictures because what he would also see—and I'm glad he's back because I can share another little story with him, Mr. Chair—

Mr. Pablo Rodriguez: Another hour to go.

Mr. Paul Calandra:—is how a community comes together and how the Italian community comes together, Mr. Chair. When you put something like this forward, Mr. Chair...

I know it's nice for the members opposite. They can laugh, and you know it makes them feel good to laugh at—

Mr. Charlie Angus: I feel sorry for you.

Mr. Paul Calandra:—what some of the communities have gone through. Sure, he finds it funny because he thinks everything Italians do is funny, apparently.

What he would have seen in those pictures in 1983 was no more father around, because that's when my father passed away. He was an extraordinarily proud man. I can tell you something. My mother was 39 years old, with four kids under 20 years of age. She didn't go and hide herself in a closet somewhere and say, "Oh my gosh, I can't handle this life." She didn't retreat. She moved forward, and today she has a son in Parliament. She was 39 years old, with a grade three education. They were able to build something extraordinary in this country.

If you want to talk about this, I'll talk about this story until tomorrow morning if we have to, because when you bring something like this forward that seeks to divide a community, without putting the thought into it that it deserves and without speaking to anybody....

There are not a lot of Italians in Parliament. It's not very difficult to come across the floor and say, "Hey, look, I want to bring something like this forward. What do you think? How can I improve on it?" On our side, there are three or four of us. It's not that hard to find us. He would have received the comments from me on it and perhaps we could have made it better. But clearly this bill does nothing but divide the community.

The minor amendment he is suggesting doesn't fix the bill. It makes it even worse, because it completely ignores all the extraordinary things, and the apology that was made by Prime Minister Mulroney. What about that apology?

In the interest of allowing other members, I'm sure I'll have some more opportunity to speak to some of the extraordinary things my family has accomplished. That's what I was elected to do and I'll continue to do that. I know some of the other members might have some comments, so I'll allow them to do that, and perhaps in future interventions I'll talk more about some of the extraordinary things my uncles and aunts have accomplished and specifically reference some of the amazing things my mother did as a widow at 39 years of age, with four kids, and how we've managed to build an incredible country. And perhaps then I can talk about some of the things that Italians in Toronto have done to help build that city into the economic engine of this country.

For now, I'll just sum up this way. Obviously I don't support the particular amendment, and I look forward to speaking about the actual clause shortly.

• (1200)

The Chair: Mr. Bruinooge, followed by Ms. Dhalla and Mr. Del Mastro.

Mr. Charlie Angus: I'm sorry, but am I not on the list?

The Chair: I thought I got you already.

I'm sorry. It's Mr. Angus and then Mr. Bruinooge.

Mr. Charlie Angus: Thank you. I just didn't want to get lost there.

In June 2006, we had the head tax apology. In May 2008, my colleagues unanimously stood up in the House to support the apology for the *Komagata Maru*, and at that time I didn't hear any concerns being raised by my colleagues that this would leave Canada open to all kinds of lawsuits.

So I actually don't believe this amendment is necessary. I think the original bill works fine. But if it's going to be a matter of our talking it out, I'll certainly support the motion and I'd be willing to call the question, because our views on this are well known.

The Chair: Mr. Bruinooge.

Mr. Rod Bruinooge: Thank you, Mr. Chair.

Part of what I'm going to speak about, in relation to this clause, is in some way related to what Mr. Angus raised. He referred to previous apologies, statements of reconciliation that had come about because of actual agreements ratified between a number of parties. This is the biggest challenge. This clause, and the bill itself, is attempting to supersede a negotiated settlement between a government and an aggrieved group. This amendment, which I'm speaking to, goes even further than that. It directs the Prime Minister to make the apology. I think that alone is an interesting precedent. You would be directing cabinet and the Prime Minister to make a choice on behalf of the elected government to come to a conclusion on an apology.

How is this different from previous apologies? I had the pleasure of taking part in some of the discussions and processes that rolled out the Indian residential school apology, which finally occurred on June 11, 2008. This was a significant apology for my community, a community that is made up of the three different groups that took part in the residential school system—the Métis, the first nations, and, to a lesser extent, the Inuit. For the most part it was first nations learners who spent many years in the residential school system.

This was a long process. The process for which the Indian residential school settlement and subsequent apology took place had been negotiated over many decades. It came to a final conclusion in the early part of our mandate. When we first got elected, there was a settlement being negotiated by the previous government. But there were a number of details that needed to be settled. The new government had to agree to the settlement, because it wasn't finalized at that stage. For the sake of moral justice, and also for the sake of being genuine, it was essential that the Prime Minister of the day, which of course was Stephen Harper, agree with the proposed settlement and genuinely want to deliver the apology. After all the negotiations, that was the case. The agreement was decided upon over many years and all sides accepted it. Fortunately, we were able to proceed.

It is interesting to compare the process for which that apology and settlement was achieved with what we're talking about today.

●(1205)

I think back to some of the issues the community raised over the years, the various aboriginal groups that were seeking reconciliation and specifically looking for an apology, as it was a key part of the settlement. Of course, the money was important. The significant amount of money was quite important, but an apology from the Prime Minister was very much an issue that was desired and sought, to some extent, even by some of the groups, more importantly than the dollar amounts that eventually ended up....

The reason an apology was sought was because there hadn't been an apology delivered at any point in the past by a Prime Minister. There was a time, actually, when a Liberal Minister of Indian Affairs at the time, back in 1998, Minister Jane Stewart, who was quite a lovely lady—I had the chance to meet her a few times—did offer up a form of an apology that at the time was hoped to reduce some of the concerns and tensions the communities had felt. Though it was appreciated by a number of the groups, I can speak only for the Métis communities, as I am a member of that community. I know the first nations communities also did have some interest and appreciation for that statement of apology. It wasn't perceived to be a true apology on behalf of the Government of Canada.

I would say it was a festering issue that continued to be a point of discussion in the years subsequent to that. It was often referred to as not being truly representative of the government. It was clearly able to highlight the fact that the Prime Minister hadn't yet made any apology; no Prime Minister previous to that had made an apology, whether they were Conservative or Liberal. Really, it was only this one Minister of Indian Affairs. It was insignificant in the sense that a minister had referenced the fact that Canada was sorry for what occurred. In a sense, it was an important point in the historical frame of reference for the Indian residential school settlement, but nonetheless it wasn't a Prime Minister.

Comparing that to this particular situation is significant in the sense that the previous Conservative Prime Minister, Brian Mulroney, actually, did voice an apology, did apologize on behalf of the Government of Canada. I think that was quite essential, quite important. Looking back to the negotiations that were occurring under the Indian residential school settlement, there was no previous Prime Minister who had apologized. Jean Chrétien didn't take that opportunity; neither did Brian Mulroney. Paul Martin hadn't yet done it. So that community wasn't able to reference a previous Prime Minister and essentially exclude it from their negotiations because it hadn't occurred. There was no apology. It was just Jane Stewart.

It was a key point within the negotiation that was occurring among the three primary groups and the Government of Canada, and it was an element that was quite relative and it was outstanding. In this case, Mr. Calandra did already refer to it, in the sense that this particular amendment doesn't acknowledge the fact that the Prime Minister of Canada, duly elected, Mr. Brian Mulroney, did in fact apologize. One could essentially assume that it's insinuating an apology hadn't existed yet, hadn't occurred, hadn't been made. I think in that sense it is to some extent disingenuous, which is perhaps too strong a word. At the very least, it's not representative of the historical facts that led up to where we are today with this bill.

●(1210)

I know that in the Indian residential schools settlement, in the event that there was a Prime Minister who had made an apology previous to Prime Minister Harper, it would clearly be an element of the discussions. Of course, that wasn't the case, and thankfully we were able to witness that apology on June 11, 2008. It was quite an important apology in itself. It was a wonderful day to be in the House, and I was pleased to have the opportunity to be there with the Prime Minister. I know that most of the colleagues around the table, save the new Conservative MPs here to my right, were actually part of that as well.

I guess the main point I'm making is that directing the Prime Minister and the cabinet and the government through this particular bill—being a private member's bill from a member who is not part of the cabinet—is circumventing a genuine agreement that, in my opinion, would need to be in place. To truly get someone to apologize on behalf of the government, that being the Prime Minister, we would need an agreement that is negotiated between all sides and that would be done through a process that is much different from this. In my opinion, this just can't have the bona fide elements it needs to have for that apology to be genuine.

I think from the experience we've had through previous agreed-upon settlements.... Some of them have been referred to. In fact, I think part of the rhetoric that Mr. Pacetti and others have employed in essentially trying to prop up this private member's bill is referring to those other agreements and other apologies that have been made. In each one of those cases—for instance, referring to the head tax for Japanese Canadians—there has always been a negotiated agreement that is part of that settlement. It's something that is contemplated. Under the previous government, unfortunately again, it was brought about at the final hour, which speaks somewhat to the intention that particular government had in relation to this.

Should we ram this through as an opposition majority in the government.... Clearly that's the case. We've seen a number of bills proceed on this basis that genuinely would be discounted if they were measured up against precedent. Nonetheless, we could smash this through in the opposition. In my opinion, it still won't have the bona fide elements that I referred to.

So I think this particular clause, which changes the existing clause 3—I could also speak at length about that one—just for those very reasons, can't be, in my opinion, allowed to pass. It simply goes against so many of the precedents that I've referred to. And should we do that, I just see this bill as being not even achievable. If it were to be passed, I don't know that it could be implemented. On that front, I will perhaps reserve some of my additional commentary for another section of the clock.

●(1215)

The Chair: Thank you.

Ms. Dhalla.

Ms. Ruby Dhalla: I was going to comment. I put my hand up when Mr. Calandra was filibustering and telling us stories. I was going to ask him to indulge us with his family story and the story of his mom being a single mother. But since we've moved on, I want to talk about the apologies. If Mr. Calandra speaks again, being the daughter of a single mother myself, I'll be more than happy to listen to his story of how his mom raised four of her children.

On May 20, 2008, I put forward a motion, after talking to numerous members of the Indo-Canadian community across the country, requesting the government to apologize for the *Komagata Maru* incident in 1914. We had 376 passengers who had come from India to Canada aboard the *Komagata Maru*. Upon arrival in Vancouver, they were not allowed to disembark. For two months, they were kept without food or water on the *Komagata Maru*. Then they were ordered to be returned to India. It was at that time, upon the return to India, that they were either jailed or killed.

This private member's motion that I put forward was passed May 20, 2008. The Prime Minister, on August 3, 2008, decided to deliver an apology, not in the House of Commons but at a cultural festival in Surrey, B.C. I can tell you, when the apology was given at a cultural festival, there were thousands of people from the Indo-Canadian community, in Canada and throughout the world, who felt insulted. They felt that the apology was neither dignified nor respectful.

There were people who wrote about the incident, who voiced their concerns. On August 4, there was an article printed in Vancouver, which read:

The Indo-Canadian community has refused to accept an apology by Prime Minister Stephen Harper for the 1914 Komagata Maru ship incident in which hundreds of Indian passengers were not allowed to enter Canada. The Komagata Maru was a Japanese ship hired by a Malaysia-based wealthy Sikh to bring 376 Indians from Hong Kong to Canada in 1914 to challenge its racist laws.

The Indians were not allowed to disembark in Vancouver and were forcibly sent back to India where many were shot on arrival in Calcutta, as it was then called. Tendering the apology at the annual Mela Gadari Babian Da at the Bear Creek Park in Surrey on Sunday, Harper said Canada was sorry for the mistreatment of the passengers in 1914 and apologizes for it.

Since the government had promised to apologize only in the nation's Parliament, the organizers of the festival immediately rejected it.

"We wanted the House of Commons to apologize, not the PM at this rally. We reject this apology." This was shouted by the organizer Sahib Singh Thind even as security personnel whisked the prime minister away.

Thind, who was the organizer of the festival, said: "The government has betrayed us, as only yesterday it had promised us that the PM would announce only a date here for the apology, which would be made in Parliament later.

"Today, they have treated us like they did the Komagata passengers in 1914. It was the same racist Conservative government then as now. Racism is alive in Canada."

He said the Indo-Canadian community would chalk out its plan to fight for an apology in Parliament.

However, Jason Kenney, secretary for multiculturalism and Canadian identity, ruled this out, saying: "The apology has been given and will not be repeated."

An indignant Indo-Canadian MLA, Jagrup Brar, who was instrumental in getting the provincial British Columbia assembly to apologize for the Komagata Maru just last month, asked: "If our provincial assembly can apologize, why can't the nation's Parliament?"

"It was the House of Commons which had passed a unanimous resolution proposing an apology. The apology should have been entered into the House records. I wonder who is advising this PM."

Based on the sentiments expressed in this article in 2008, we can see that the amendment being discussed here is very important. We

know that the hard work, the effort, of many immigrants across this country has ensured our nation's success. All ethnic communities deserve to be treated in a dignified and respectful manner. It is for this reason that I have also put forward a private member's motion once again requesting that this apology be made in a respectful and dignified manner in the House of Commons.

• (1220)

That particular private member's motion reads, and I quote:

That, in the opinion of the House, the government should officially apologize to the Indo-Canadian community and to the individuals impacted in the 1914 *Komagata Maru* incident...

It also goes one step further by requesting to officially designate May 23 as a day of commemoration. We have seen the sentiments among community members of what happens when an apology is given at cultural festivals. I think like the Chinese community, the Japanese community, individuals in the aboriginal community who have received apologies in a dignified and respectful and rightful manner in the House of Commons and Parliament...I also believe that the amendment we're discussing here today for the Italian community and also for the private member's motion that I've put forward for the Indo-Canadian community...the apologies should also be granted in the House of Commons and Parliament.

Thank you.

The Chair: Thank you.

Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you, Mr. Chair.

I want to go back to Mr. Bruinooge's comments specifically. He talked a bit about the apology that was made in the House of Commons, I think a very significant apology, for residential schools, something all parties agreed with. I think it was something that was very emotional; it was owed and it was appropriate.

What preceded that were negotiations and the finalization of an agreement. An apology was made subsequent to an agreement being in place. When you don't do that, you open up the government to unlimited liability. Because I started this conversation about legal implications, I want to talk about what the Department of Justice has had to say—not the ministry, not the minister, not the government, but the Department of Justice. These are people who work in the department on behalf of Canadians. This is their criticism or comments on this bill, and members of this committee, who I believe want to be responsible, should pay heed to this. By the way, the amendment makes it worse.

To begin with, it says the bill describes the wartime measures imposed on the Italian Canadian community as “unjust” and refers to “other infringements of their rights”. The bill also refers to the payment as “restitution”. The characterization of the internment as unjust and requiring restitution is not consistent with the position of the government with respect to historical wartime events or immigration restrictions experienced by the Italian Canadian and other communities. The CHRP program or the historical recognition program and the head tax apology are based on the premises that although these events may not have been in keeping with present Canadian values—and this is an important distinction—they were legal at the time.

We can look back and say it wasn't right; we shouldn't have acted that way. So many things were done by groups over the course of history that were wrong, from everything related to religion, to politics, to monarchies, to colonialism that's occurred around the world. These things were wrong, but at the time there was a different view of them. That's the point the Department of Justice is making.

The ex gratia payments to surviving head tax payers and spouses of deceased head tax payers are clearly characterized as symbolic payments, not restitution. This is important.

The Department of Justice is of the opinion that if the Government of Canada were to apologize, as provided for in Bill C-302, it could have negative implications for the government in an active court case where an action has been brought against Canada by an individual for general and punitive damages for his internment during the Second World War.

So we're not saying what if. It's not that this could happen. There is already a case before the courts in Canada where this clause in particular, with the amendment—because we're speaking to the amendment—would make it worse. It would open up the Government of Canada to significant liability because there is no agreement in place.

Passage of the bill might encourage further legal actions of this nature to be filed. The fact that the bill refers to “other infringements of their rights during the Second World War” is a factor that could be significant from a charter liability perspective if other cases were brought before the courts on the basis of Bill C-302.

I brought this up earlier and I said the government in 2005 went out of its way to indicate that these agreements were made on the principles of no compensation and no apology—all of them. We look at what the Department of Justice is saying. It's done that way because passage of bills like this would encourage further legal action. We know we've already got legal action in the court.

• (1225)

I can tell you that the Italian Canadians I know are not looking to expose the Government of Canada to legal liabilities, to legal actions, to court cases that could cost all of us as taxpayers a lot of money. We know we have a lot of priorities in this country. We have a lot of things we'd like to do. Italian Canadians want to see a better, safer, stronger Canada. That's what they want. They want a Canada that can look after its people better. What they don't want is a Canada where millions, potentially hundreds of millions, of dollars are going towards what this bill refers to as restitution.

Specifically with respect to apologies in the House of Commons, there have been apologies in the House of Commons. As I indicated, I was proud to be present for a very significant one. I think Italians in this country would generally recognize that what occurred around the residential schools in this country was a far more significant action, imposed upon a founding people of this country, within this country than what was suffered by the Italian community. I say that, as I've indicated many times, as a person who was directly impacted by the implementation of what at the time was the War Measures Act, which was repealed by Prime Minister Mulroney.

If we can't agree that it was a far more significant travesty that was committed against first nations, Métis, and Inuit in this country than what occurred to the Italian Canadian community—as wrong as that may have been. It's wrong, but on a different level. It's wrong, but on a different scale. And I think it was important that the apology occurred, because, as we all know, we have to start a relationship with our first nations that encourages everyone in this country, that makes everybody feel they're part of this country, that allows for equal opportunity in this country. We have a significant group within our first nations that feels disassociated, and I believe that's largely because in the apology we recognized that with the previous governments and groups that set up the residential schools, the goal of that was to strip away the aboriginal identity. That was clearly wrong, and that was not, by the way, what occurred with Italian Canadians. There was no effort to strip away their identity. It wasn't an effort to break them and to teach them a new way to be a person.

I want to refer to comments made by previous Liberal prime ministers, if you'll just allow me a minute. I'm working, as I said earlier, without my binders.

• (1230)

As has been noted earlier, Prime Minister Mulroney offered “a full and unqualified apology for the wrongs done to our fellow Canadians of Italian origin during World War II”. Those were the words of then Prime Minister Brian Mulroney.

I think we can all agree that when the Prime Minister of this nation speaks, any Prime Minister, it's significant. For people to say that words that aren't stated in Parliament aren't meaningful, I simply don't agree. In fact, some of the most powerful political statements ever made in the history of the world—whether it's in the U.S., in Congress or in the House of Representatives, or in England in their Parliament, or in Germany, their Parliament—simply have not been done inside.

When John F. Kennedy said, “ask not what your country can do for you—ask what you can do for your country”, that was not made inside a political building. It was significant.

When Martin Luther King said, "I have a dream", that statement was not made inside the House of Representatives; it simply wasn't, but the words were significant because a leader—a leader—stated them.

I heard the comment made that Martin Luther King wasn't elected. Well, that may be, but he was a representative of the people. The statements he made were significant and they weren't made inside of the House of Representatives.

When Winston Churchill said, "Never...was so much owed by so many to so few", that was also not made in the Parliament of England, and I don't know that more significant words were ever said by a Prime Minister.

But let's look at what some other Prime Ministers of Canada have said.

This is not my writing but the writing of a respected Canadian journalist. "Prime Minister Trudeau arrogantly dismissed the very idea of redressing any wrongs of the past." In 1984, Trudeau said—I should be clear; this is Prime Minister Pierre Elliott Trudeau, and not a reference to any current members of the House. He said, "The government cannot redress what was done. How many other historical wrongs would have to be righted?" This was Mr. Trudeau's consistently dismissive approach to all questions of redress.

Likewise, under Mr. Trudeau's eventual successor, the Right Honourable Jean Chrétien, the government's message to Italian Canadians was to forget, to look ahead. As Angelo Persichilli has written, Sheila Finestone, the minister responsible for multiculturalism, sent all groups a letter on December 14, 1994, categorically refusing apologies and redress of any sort. She wrote, "We wish we could relive the past. We cannot."

That was the stance of Liberal governments in the past. Mr. Persichilli also points out that it only seems to be an issue for the Liberal Party when they're not in government or when there isn't an election. That's when it's an issue.

With respect to an apology in the House of Commons, we come back to the amendment being proposed. Why does this amendment make it even worse, in terms of what the Department of Justice has said? Well, it heightens the level of the apology. You're lifting it up to a level equivalent with the apology that was made for residential schools. It's on the same plane, with no agreement, no agreement at all, just an apology that sets the environment such that....

I'm not a lawyer. I don't know whether there are lawyers on this committee, whether there's anybody with a legal background on the committee. I have been in business for a long time, and I know that specific words are significant when it comes to law, and they don't always mean the same thing the way we would use them commonly in society as they mean in law.

When the Department of Justice looks at something and says payments have been classified as symbolic payments, not restitution, when you're classifying something as restitution, that's significant. When you're referring to an act as unjust, that is significant. In law, that is significant, and it leads to charter liabilities in this country.

●(1235)

That's why the Liberal Party was so careful, even in its ACE program. They put legal jargon at the end of the ACE program. Why did they do that? Well, because they looked at it and said, "We could really be opening up a can of worms on the taxpayers of Canada." It's not about whether what was done was right or wrong, whether it should have happened, whether or not the Italian community has moved on or hasn't moved on; it's about being responsible as an elected member to the people who elected you. How much liability are we going to open those people up to simply because the majority of members on this committee apparently feel we should do that? I don't believe a single member of this committee, other than me, has ever been directly impacted. Even for me, it's only through a relationship to people who have been directly impacted. I'm 39 years old; this happened in 1940.

I can't say this emphatically enough. This specific amendment in this clause is a big problem. It's a big problem. As we saw, all Liberal governments in the past went out of their way, past Liberal leaders went out of their way, to indicate that no apology was owed, nothing was due, let's move on. Their agreements indicate very clearly, as I've said before, that they were made on the principles of no compensation—not restitution. They didn't even use a word as strong as "restitution". They said, "this Agreement-in-Principle" is "premised on the principles of 'no compensation' and 'no apology'." Then at the end, as I've indicated, legal jargon. The legal jargon is important. That's what protects the taxpayers. They don't just make it clear under the agreement in principle. They clarify it at the end, where they say:

This Agreement-in-Principle shall not be interpreted as a full and final agreement nor as constituting an admission by the Government of Canada of the existence of any legal obligation of the Government of Canada....

They get that signed, too. If you don't get that signed...and this bill does not do that. If members of Parliament start passing bills like this that have unlimited liability, then we're being totally irresponsible to the taxpayers and we are opening up significant problems.

It's not just with this cultural community, by the way, because the other communities where there are already agreements are already working with the CHR program. By the way, the Italian Canadian community is working with the CHR program—not everyone, admittedly, but they are. For other groups that have already begun to work with the government on these issues, they are then going to turn around and say, "You have acted preferentially towards a group that was affected." But were they as affected as, for example, the Chinese, with the Chinese head tax?

The Italian internment, it's noted, affected roughly 700 people. As I've indicated, it had broader implications because it led to widespread discrimination against Italians in Canada. It led to an embarrassment of Canadians of Italian descent in this country that they were classified as such. I can speak to that at length because I've lived it. Look at what occurred, for example, to the Chinese Canadian community—and this is the Liberal Party agreement. It says:

This is a first step in articulating their shared vision for the acknowledgement, commemoration and education of Canadians about the imposition of a head-tax exclusively against immigrants of Chinese origin between 1885 and 1923....

That's 38 years of a head tax against one community, exclusively against immigrants of Chinese origin. Before that, by the way, we were bringing in the Chinese in significant numbers to build the railway and putting them in dangerous positions, positions where many of them died, in circumstances where it wasn't healthy. We exploited those people. That's part of our history as well. That was wrong—38 years of a head tax.

If we go back to the Italian agreement, it reads:

This is a first step in articulating their shared vision for acknowledgment, commemoration and education of Canadians on the historic experience of Italians in Canada who were designated as enemy aliens and some of which, as well as some persons of Italian origin, were interned.

• (1240)

Not all Canadians of Italian descent in Canada were interned. For 38 years all persons of Chinese origin who were trying to enter Canada had to pay a head tax. It was discrimination against a specific group.

My grandfather was never arrested. Not everyone of Italian descent in this country was arrested and interned. I don't know what criteria were used for pulling people off the streets, pulling them out of their places of work, pulling them out of their businesses and interning them, the persons of Italian descent who went through that. It was wrong. But it's not on a scale of what happened to the Chinese Canadian community, simply not.

I look at it and say if you are going to open up a liability for this country based on nothing other than politics, it's irresponsible. This specific part of this bill, clause 3, does exactly that. That's what the Department of Justice says. If members would like to get the Department of Justice in to get a direct opinion on clause 3, without a minister, without anyone, just get the facts; if you'd like to hear from lawyers, constitutional lawyers, who could tell you, people who understand the charter who could tell you what this amendment does and what this clause of this bill does.... The potential liability for Canada is significant.

That's why Liberal leaders of the past did not do this, but our government has acted. We have put in place CHRP, a significant program that seeks to work with Italian Canadian communities to recognize the wrongs of the past. That's what we should be doing. We shouldn't be opening Canada up to an unlimited liability. That's what this does, and as I said, this amendment makes it worse.

Thank you.

The Chair: Next is Mr. Uppal, then we go to Mrs. Lavallée, and then Mr. Angus.

Mr. Uppal.

Mr. Tim Uppal (Edmonton—Sherwood Park, CPC): Thank you, Mr. Chair.

First, I take great objection to Ms. Dhalla's saying that the Conservative Party is racist.

I know you quoted, but we can always bring in quotes that say something.

Ms. Ruby Dhalla: I have a point of order.

Mr. Tim Uppal: We know they're not allowed in the House.

The Chair: One second, for a point of order.

Ms. Ruby Dhalla: I just want to clarify that I did not make those comments. I was simply reading from an article that was printed and is available widely on the Internet. I have never made those comments, and I would request that Mr. Uppal please apologize and withdraw those comments. I quoted from an article, and I stated that.

The Chair: Mr. Uppal.

Mr. Tim Uppal: Mr. Chair, I do believe that even in the House we cannot just bring in quotes that may say and read out things that are not true, that are unparliamentary. It's an easy way to get around the rules and say you're just quoting somebody who was printed in some newspaper, or newsletter, for that matter.

I've been a member of the Conservative Party for a little over 10 years now, and I've had a great experience, an enriching experience. I started off as a member, as a board member. I've been on the executive of boards. I've been a candidate as well. I've had a great experience. The diversity in the caucus shows that this party is anything but. Frankly, I believe that our support in many different ethnic communities also shows that, as we have an opportunity to go out to the ridings in areas in Toronto, Vancouver, and speak to people.

So I think Ms. Dhalla should apologize for her reading that in, or at least for the chair to—

• (1245)

Mr. Charlie Angus: On a point of order, Mr. Chair, no offence to my colleague, whom I respect greatly, but I know we're walking the clock down here. I just need to know if you will be presenting the motions that were passed in the House, and when that would be. I might not get a word in before one o'clock, but I think I would like to have that at least explained to committee.

We have the motion on the diversity cuts—the report back to the House—and also asking for action on the strike.

The Chair: I will table it tomorrow.

Mr. Charlie Angus: Excellent. Thank you very much.

The Chair: Mr. Uppal.

Mr. Tim Uppal: Okay. I—

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro: I have a point of order, Mr. Chair.

I'm surprised to hear that the report is ready, because our dissenting opinion hasn't been filed yet. So it's impossible that the report is ready.

The Chair: This is on Mr. Angus' motion; it's not on the report.

Mr. Dean Del Mastro: Oh, it's not the actual report; it's the motion that the report has been requested to be given. Okay. Thank you for the clarification.

The Chair: Mr. Angus.

Mr. Charlie Angus: I did remember that a request had gone around, I think two Thursdays ago, to have everything ready. It's too bad my Conservatives colleagues are very tardy in this. But there has to be a cut-off date. We expected that report would be put in the House before Christmas.

Mr. Dean Del Mastro: That's today.

The Chair: It's my understanding that it will be in today; today is the two weeks.

Mr. Dean Del Mastro: That would be the agreed date; we're abiding by the agreed date, nothing more, nothing less. We're not being tardy.

Mr. Massimo Pacetti: A point of order, Mr. Chair.

We're discussing my Bill C-302; that's what I'm here for. All of a sudden you've thrown in committee business. I don't know how you run your committee, and you're more than welcome to run it in the fashion you like, but I'd like to continue with this.

Let's finish Bill C-302 and then go on to committee business. Let's finish Bill C-302. There's plenty of time; it's a very small bill. There are only two more clauses, if we could vote on them. Then we can go on to committee business and you can go on to your daily affairs.

The Chair: Mr. Angus had an interjection and I looked after his interjection.

Mr. Charlie Angus: Thank you for that, Mr. Chair.

The Chair: Mr. Uppal, please.

Mr. Tim Uppal: Thank you, Mr. Chair.

I would also like to speak to an issue that is important. I actually received some phone calls on this very issue when we started to discuss this in committee. It is regarding something Ms. Dhalla brought up about the *Komagata Maru* incident. A great number of issues have some resemblance to this. Again, just like this bill that we're discussing, there are some people who are going to agree with it and there are going to be people in the community who won't agree with it. The Sikh community, the South Asian community, the Indo-Canadian community—however you want to see it, they have contributed to Canada a great deal, economically and culturally. I believe that was respected and acknowledged when the Prime Minister went to Punjab just recently. I had an opportunity to go with him and to go to the Golden Temple.

In the *Komagata Maru* incident, in response to calls for the Government of Canada to address historic wrongs involving immigration and wartime measures, the Conservative government, in 2006, created the community historical recognition program to provide grants and contribution funding for community projects linked to wartime measures and immigration restrictions and national historical recognition programs to fund federal initiatives, developed in partnership with various groups. The announcement was made on June 23, 2006. At the time, Prime Minister Harper apologized in the House of Commons for the head tax against Chinese immigrants.

On August 6, 2006, Prime Minister Harper made a speech at the Mela Gadri Babian Da in Surrey, where he stated that the Government of Canada acknowledged the *Komagata Maru* incident and announced the government's commitment to undertake consultations with the Indo-Canadian community on how best to recognize this sad moment in Canada's history.

On May 10, 2008, Jason Kenney, Secretary of State for Multiculturalism and Canadian Identity announced that the Indo-Canadian community would be able to apply for up to \$2.5 million in grants and contributions funding to commemorate the *Komagata Maru* incident.

On August 3, 2008, Prime Minister Harper appeared at the 13th annual Mela Gadri Babian Da in Surrey, in front of thousands of people, Mr. Chair, to issue an apology for the *Komagata Maru* incident. He said in response to the House of Commons motion calling for an apology from the government, "On behalf of the government of Canada, I am officially conveying as Prime Minister that apology."

I've spoken to many people in the community who appreciate the fact that the Prime Minister came out to the community and apologized in front of thousands of people. Again, as Mr. Del Mastro said, this was the Prime Minister of Canada. For 13 years the Liberal Party, the Liberal government, had this opportunity to make these apologies. They didn't do that. For a couple of those years, Ms. Dhalla was a member of that government and could have brought the issue up at that time, but chose not to. Frankly, I see in this case as well that it's an opportunity for the Liberals to try to split the community and try to gain some political favour from it. An apology has been made to the community with great respect, and I know many people in the community agree with that apology and respect it and feel we should move on.

Plus, there's \$2.5 million being given in that instance for education and for people to know about it. It's the same thing in this bill as well. There are going to be funds put towards it for education. But I would also be concerned about which organizations are going to be controlling those funds and how they will be controlled, because that can further divide the community, or even just have people object to who is running that.

I think regarding an apology in the House, we have to take a look at other instances as well. If we can get the clerk to possibly pull up which apologies have been made in the House, we can look at their relevance, and also the apologies made outside of the House by governments, and their relevance. I think that would help us to better understand what direction we should take on this bill.

• (1250)

The Chair: Mr. Angus, did you have any more to say?

Mr. Charlie Angus: Yes, I did.

The Chair: Related to the bill, please.

Mr. Charlie Angus: I was concerned that this discussion was sort of veering off into a direction, but we could move forward if my colleagues were interested in doing that.

They have referred numerous times to former Prime Minister Mulroney's apology. That was dismissed by Dr. Roberto Perin. I've read him extensively on the issue of the Italian Canadians because he's chosen to be the point person. No disrespect, but he has a very strong view, and he dismissed that as a laundered view of history. I'm concerned about whether we're dealing with the issue of the apology or how we set the historical record correct.

As my colleague, Mr. Del Mastro, who is always very forceful in his arguments, points out, certain elements of what was done at the time of the internment were legal. And Dr. Perin points out that there were people who were interned because of their distinct fascist connections to Italy. Those are historical facts. There were people who were interned because they were Italian leaders in the community. There were also actions that took place that were illegal. For example, I referred to the Moneta neighbourhood in my area, where they marched in and beat people up in the streets. That was illegal. Father Fontana of the Sacred Heart Church begged the Italian community not to hold dances and not to go out in public. People were fired at the mines and were beaten up underground.

We know that 600 Italians went to the Goldfields Theatre in Timmins to promote and proclaim their commitment to King and country, as Canada was referred to at the time. Yet we still had a leader in our community taken out, arrested, and interned. I know the family and the devastation that occurred.

I think an apology has a place. I certainly don't want to go down the road of saying that someone's injuries are worse than someone else's. These were founding peoples and what was done was unjust.

I'm very interested in the issue of restitution, which my colleague raised. The leader from the National Congress of Italian Canadians said they weren't interested in the money, but it was the issue of setting the historical record straight. I certainly hear where my colleague is coming from in terms of this leaving us open to all kinds of lawsuits from families who say they want this, they want that. I think that would certainly taint the apology.

But I would put it to my colleague that we could amend the bill or we could talk the bill out. If we talk the bill out it's going to go back to Parliament and we're going to be stuck with the language of restitution. If we took clause 3 and clause 4, we could change the word "restitution" so that it's "shall negotiate for a suitable payment", and then drop down to the clauses where that would be used for an educational foundation. If it specifically says that money would be put for that as opposed to using the word "restitution", I have no problem with that. I hope my colleagues would support it.

This is not about opening this debate or opening Canadians up to numerous lawsuits from the past, because we'd be fighting lawsuits forever, but I would say to my colleague, if we talk the bill down, then this bill will go back to the House as is and his concerns won't be addressed.

I'd be willing to amend and try to work this out with them. I'm putting that offer out in good faith.

• (1255)

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you.

I appreciate what Mr. Angus had to say. I agree with what he said. I can't speak to the specific experiences, but I think they're consistent with the experiences that a lot of families had at that time. Frankly, I acknowledge what he's saying and I acknowledge his goodwill.

I'd like to put a motion on the floor if I could. If we want to be serious about amending the bill so that it's workable, I'd like to put a motion on the floor that we hear from representatives from the Department of Justice.

The Chair: There's already a motion put forward. The motion is the amendment.

Mr. Dean Del Mastro: No, there's an amendment on the floor. I can make a motion.

The Chair: Okay.

Mr. Dean Del Mastro: I'd like to put a motion the floor that we hear from representatives from the Department of Justice and that we receive legal opinion on this clause.

The goal is to ensure that we are not opening up the taxpayers of Canada and Canadians to an unlimited liability and that we receive specific legal advice on this bill in the interest of Canadians.

I'd like to put a motion on the floor that we hear from lawyers from the Department of Justice and receive other legal opinions. I believe we could receive that on Thursday. We still have another meeting next Tuesday to continue to work on this.

This is a significant issue, and I implore members to support that motion. If they don't, we'll go back to debating the amendment.

Mr. Pablo Rodriguez: Filibustering.

Mr. Dean Del Mastro: But I would encourage people to support that. It's a responsible thing to do.

The Chair: We have one minute.

Mr. Rodriguez.

[Translation]

Mr. Pablo Rodriguez: Mr. Chair, I disagree. The Conservative members are simply filibustering and will continue to do so. But when they try to get public servants involved, that is unacceptable. Leave them out of it. Let them do their jobs while our time is wasted, and eventually we will move on to something else.

[English]

The Chair: Mr. Calandra.

Mr. Dean Del Mastro: Call the question on the motion.

The Chair: Mr. Pacetti.

Mr. Massimo Pacetti: Nothing prevents the Conservatives from doing their own research and bringing forward research. We had plenty of time. This bill has been in committee for over two months, perhaps more. I think it got out of the House in the month of May or perhaps June—I don't know the exact date. We've had discussions between parties and between individuals and we've had a lot of time to hold discussions.

I want to applaud the work of Ms. Lavallée and Mr. Angus for at least putting amendments forward. We haven't seen any amendments come forward from the Conservatives; nothing but talk.

Mr. Chair, if there is goodwill, I think we can pass this bill right now. We could take an extra 30 seconds and pass the bill. There is no inability to want to work together, but if you want to work together there is more—

● (1300)

The Chair: There is a motion on the floor. I'll call the motion.

All those in favour of Mr. Del Mastro's motion?

(Motion negatived)

The Chair: The meeting is adjourned.

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