



CANADA

House of Commons Debates

VOLUME 137 • NUMBER 095 • 1st SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, October 16, 2001

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, October 16, 2001

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)
[English]

ORDER IN COUNCIL APPOINTMENTS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I am pleased to table, in both official languages, a number of order in council appointments made recently by the government.

* * *

● (1005)

INTERPARLIAMENTARY DELEGATIONS

Mrs. Sue Barnes (London West, Lib.): Madam Speaker, pursuant to Standing Order 34 I have the honour to present to the House, in both official languages, two reports from the Canadian Branch, Commonwealth Parliamentary Association concerning the 40th Canadian Regional Conference which was held in Edmonton, Alberta from July 16 to 22, 2001 and the 47th Commonwealth Parliamentary Conference, which was held in Australia from September 4 to 14, 2001.

* * *

PETITIONS

SEXUAL PREDATORS

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Madam Speaker, I am pleased to table a petition on behalf of concerned citizens of Yellowhead on the protection of children from sexual predators.

The petition calls on parliament to pass legislation requiring a minimum jail sentence of 20 years for violent sexual child predators. They call for legislation that would see repeat offenders jailed indefinitely.

The petition is part of the Carrie's Guardian Angel Initiative and was signed by 825 of my constituents.

VIA RAIL

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I rise to present two more petitions from the citizens of Peterborough and

the surrounding region who are very keen that VIA Rail service be resumed between Toronto and Peterborough.

They see this as providing great environmental advantages in the reduction in greenhouse gases and helping Canada meet its Kyoto agreement. They see it as reducing congestion on the highways and reducing accident rates on the highways. They see it as something which will strengthen the business environment not only of Peterborough but also of the greater Toronto area.

This project, the re-establishment of VIA Rail, has support in eight federal ridings.

* * *

● (1010)

QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I would ask that all questions be allowed to stand.

The Acting Speaker (Ms. Bakopanos): Is that agreed?

Some hon. members: Agreed.

* * *

BUSINESS OF THE HOUSE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, I rise on a point of order.

Discussions have taken place between all parties and the member for Davenport concerning the taking of the division on Bill C-287 scheduled for later today at the conclusion of private members' business. I believe you would find consent for the following:

That at the conclusion of today's debate on Bill C-287, all questions necessary to dispose of the motion for second reading be deemed put, a recorded division deemed requested and deferred to Wednesday, October 17, 2001 at the expiry of the time provided for government orders.

The Acting Speaker (Ms. Bakopanos): The House has heard the terms of the motion. Is there agreement?

Some hon. members: Agreed.

Government Orders

(Motion agreed to)

GOVERNMENT ORDERS*[English]***ANTI-TERRORISM ACT**

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities in order to combat terrorism, be read the second time and referred to a committee.

She said: Madam Speaker, I want to thank members for the opportunity to rise in the House this morning to speak in support of Bill C-36, the Government of Canada's anti-terrorism act.

[Translation]

Before commenting on specific measures, I would like to highlight this government's commitment to the fight against terrorism. This bill represents an important component of the federal government's comprehensive strategy to strengthen national security.

[English]

The horrific terrorist acts of September 11 created suffering, fear and uncertainty. These events challenged Canadians' sense of safety and security and it is this that we must address as our first priority.

Terrorism seeks to undermine the rule of law and human rights. Terrorism seeks to undermine our values and way of life. Terrorism tries to turn one community against another, religion against religion, and race against race. Terrorism seeks all these things but it will achieve none of them, not here in Canada. This government has been clear but it is worth repeating over and over again: this is not a war against any one group or ethnicity but a war against terrorism.

• (1015)

[Translation]

The measures contained in this bill target persons and activities that undermine the security and welfare of Canadians. Our efforts are directed against terrorist acts, not against the members of a specific community, ethnicity, or religion. Diversity is one of Canada's greatest strengths and we are taking measures to protect it.

[English]

We are marshalling our resources against the forces of terror while still maintaining our commitment to the enduring values of democracy. Striking the proper balance has always been the challenge of democratic governments. This has never been more true than it is today. We are protecting our values and defining the threat that terrorism poses to free and civilized nations everywhere. These values receive an important part of their legal expression in the charter of rights and freedoms. We will protect the very thing that terrorism seeks to disrupt, namely, maintaining the balance between an open and just society and a safe and secure one.

Bill C-36 is one element of the Government of Canada's comprehensive action plan on Canadian security, a plan whose objectives are to stop terrorists from getting into Canada and protect Canadian citizens from terrorist acts, to bring forward tools to identify, prosecute, convict and punish terrorists, to keep our borders secure and to work with the international community to bring terrorists to justice and address the root causes of hatred.

In developing this legislation we have paid close attention to what other democratic countries are doing in their fight against terrorism. It is important that we act in a way that is consistent with the approach of other democratic nations and in conformity with international law.

The world changed on September 11 in a way that changed our collective sense of safety and security. Reviewing our legal framework was one component of a more thorough review undertaken by the federal government to strengthen our national security. Be assured that all democratic nations have undertaken a similar re-examination.

Canadians have much to be proud of and much to protect. This bill strikes a balance between our desire to maintain the values of freedom and individual rights and our collective determination to protect our citizens.

[Translation]

Canadians can rest assured that we kept in mind the rights and freedoms guaranteed in the charter when drafting our proposals.

[English]

The bill reaffirms the equal right of every citizen of whatever religion, race or ethnic origin to enjoy the security, protections and liberties shared by all Canadians.

Amendments to the criminal code would allow the courts to order the deletion of publicly available hate propaganda from computer systems such as an Internet site. Those who post material will be provided the opportunity to convince the court that the material is not hate propaganda. The provision would apply to hate propaganda that is located on Canadian computer systems regardless of where the owner of the material is located or whether he or she can be identified.

Further, criminal code amendments would create a new offence of mischief, motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin, committed against a place of religious worship or associated religious property.

In addition, the Canadian Human Rights Act will be amended to clarify that communication of hate messages using new technology, such as the Internet, constitutes a discriminatory practice. While such communication is already interpreted to be discriminatory, these amendments will add certainty and clarity to the law.

Government Orders

I should like to describe the approach we have developed in Bill C-36. The proposed legislative package focuses on three elements. Bill C-36 targets terrorist activity and those who would carry out or support such activity. The three main objectives of the new measures are as follows: first, to suppress the very existence of terrorist groups; second, to provide new investigative tools; and, third, to provide a tougher sentencing regime to incapacitate terrorists and terrorist groups.

The bill seeks to identify, dismantle, prosecute and punish terrorist activity. Bill C-36 includes criminal code amendments to ratify the remaining two United Nations conventions and protocols related to terrorism. The suppression of terrorist financing convention concerns the freezing of terrorist property.

It would prohibit dealing in any property of an individual involved in terrorist activities and it would prohibit making available funds and financial means or services to terrorists. These measures would allow a federal court judge to order the seizure and forfeiture of property used in or related to terrorist activity.

The suppression of terrorist bombings convention contains provisions relating to the targeting of public places, government or infrastructure facilities or transportation systems with explosives or other lethal devices including chemical or biological agents. The term explosive or other lethal device is defined broadly to include toxic chemicals, biological agents and radioactive substances. Ratification of these two conventions would reflect Canada's commitment to work together with the international community.

Let there be no doubt. Whether we are in North America or somewhere else in the world, terrorism represents a global threat, the force of which reverberated in the cities of New York and Washington on September 11. We shall take all legitimate means necessary to undermine the forces of terrorism. We must without hesitation work with our neighbours and with our allies to ensure that those who seek to terrorize the innocent and support terrorists understand that we will cut off their money. We will find them and we will punish them for their acts of violence.

The legislation before the House would provide a definition of terrorist activity for the first time. This definition is critical, as many of the legal implications under the bill are tied to the concept of terrorist activity. The first element of the definition outlines the offences that are established in the 12 international conventions related to terrorism, all of which we have signed.

Equally important, however, is a general definition that refers to acts or omissions undertaken for political, religious or ideological purposes and which are intended to intimidate the public, force governments to act and cause serious harm.

We have carefully restricted the definition to make it clear that property damage and disruption of an essential service are not in and of themselves sufficient to constitute a terrorist activity. The action taken must also endanger lives or cause serious risks to the health and safety of the public.

This is an important issue about which some of my colleagues have expressed concern. To respond to their concerns let me assure the House and all Canadians that this definition shall in no way include legitimate forms of political dissent. It would not impinge

upon the lawful activities of legitimate political groups or lobby organizations. In addition, the legislation would permit the designation of groups whose activities meet the definition of terrorist activity.

I will speak now to the issue of new offences as laid out in the legislation and as targeted to acts of terrorism. Comprehensive new terrorism offences under the criminal code have been created. These include offences relating to participating in, facilitating or instructing terrorist activity and harbouring others who carry out terrorist activity.

- (1020)

These offences would criminalize a full range of activities related to terrorism. For example, a person who helps to train another person in an otherwise legal activity such as flying an aircraft would commit a crime if the trainer knew it would help the other person carry out a terrorist activity. This would be the case regardless of whether the trainer knew when, where or how the terrorist activity might be carried out.

The new offences related to direction of or instruction in terrorist activity would allow us to go after the leaders of terrorist organizations. The most severe penalties, up to life imprisonment, are attached to these offences.

I have spoken about the effort demonstrated in the bill to maintain a balance between a firm commitment to eradicate terrorism and the protection of civil liberties for all Canadians. There are safeguards built into these new terrorism offences throughout the bill. Notably the required proof includes specific intent or actual knowledge in relation to the prohibited conduct.

We are all aware that the lifeblood of terrorist organizations is money. Bill C-36 proposes new measures under the criminal code to combat the financing of terrorism. It includes measures related to the seizure, restraint and forfeiture of terrorist property. The new measures related to financing would allow us to effectively go after the heart of terrorist financing networks.

For example, it would be an offence to collect or provide cash knowing that it would be used to facilitate or carry out an offence that constitutes terrorist activity. It would be an offence to provide financial services knowing that they would be used to facilitate or carry out terrorist activity or to benefit a terrorist group. Persons in the financial services industry who knowingly engage in transactions related to terrorism could find themselves charged criminally.

These measures are also subject to safeguards including substantive and procedural requirements governing seizure, restraint and forfeiture. Third party interests including those of the innocent families of those involved would be protected.

I should like to turn now to the element of the bill that would provide for preventive arrest as a way of assisting law enforcement officers to disrupt terrorism acts. The September 11 events heightened our awareness of the highly sophisticated nature of terrorist activity.

Government Orders

Sophisticated communications, modified organizational structures and an ability to evade traditional investigative methods require us to examine what other tools may be available to help security and enforcement officers carry out their investigations. The preventive arrest is one such tool.

If an officer believes on reasonable grounds that a serious terrorist offence is about to take place and suspects that the arrest of a particular person would prevent it, then that person can be detained and brought before a judge. These measures would only be available under strictly defined conditions and would be subject to numerous procedural safeguards.

The consent of the attorney general would be required as a prerequisite, save for emergency circumstances. The person would be brought before a provincial court judge within 24 hours or as soon as possible, and a maximum further period in detention of 48 hours would be possible if a judge so orders.

The object of bringing the person before the court is for the court to consider whether conditions should be imposed upon the person's movements and associations. The court may impose such conditions or may release the person without conditions. If the person refuses to accept conditions the court may commit him or her to prison for up to 12 months.

The bill also amends the proceeds of crime or money laundering legislation. Fintrac's mandate would be expanded to gather, analyze and disclose information on terrorist money laundering. The safeguards built into the Fintrac process would be maintained.

•(1025)

The charities registration act would be enacted as part of the bill to allow for the denial or removal of charitable status from organizations that provide resources directly or indirectly to terrorists. This would be subject to both ministerial and judicial review.

Bill C-36 would also provide for investigative hearings under the criminal code. These hearings would permit the gathering of evidence in investigations of terrorism offences prior to the laying of charges. There is an existing procedure under the Mutual Legal Assistance in Criminal Matters Act that allows us to do this for other countries, but there is nothing comparable for our own investigations. The United States has investigative grand juries that perform a similar function.

This investigative hearing would not be a trial of an offence. Evidence given could not be used afterward in criminal proceedings against the person. The right to counsel would apply, as would the rights of privilege and other rights of non-disclosure under the law.

The bill would also amend the Canadian Security Intelligence Service Act to clarify its mandate and enable it to investigate threats to Canada, including those arising from religious or ideological objectives in addition to political causes that it now covers. As we have seen, terrorists may be driven by motives other than the purely political.

The bill would amend the National Defence Act to continue and clarify the mandate of the Communications Security Establishment, CSE, to collect foreign communications. The CSE's functions of

collecting foreign intelligence and of protecting Government of Canada communications systems are particularly important in the context of action against sophisticated terrorist networks that use computers and satellite telephone systems.

Subject to strict conditions the bill would empower the Minister of National Defence to authorize interceptions in limited circumstances. Safeguards to ensure the privacy of Canadians are built into the legislation.

Other provisions of the bill include the updating and refinement of the Official Secrets Act. This act would be renamed the security of information act and would better address national security concerns.

The amendments cover threats of espionage by foreign powers and by terrorist groups, espionage against Canada's national security, defence, international relations and economic interests. They also address the intimidation and coercion of any émigré community in Canada.

The Canada Evidence Act would be amended to allow for better protection of sensitive information during legal proceedings. One of the key reasons we need this improved protection is to be able to assure our allies that sensitive information they provide to us can be protected from release.

The Access to Information Act, the Privacy Act and Personal Information Protection Act would be amended to allow the Attorney General of Canada to issue certificates prohibiting disclosure of information for the purpose of protecting national security, national defence or international relations. This would be consistent with Canada Evidence Act provisions respecting the protection of such information in court proceedings.

I want to say a few words about the sentencing regime. The bill would implement an aggressive sentencing and parole regime for terrorism offences including a maximum of life imprisonment for many offences and restricted parole eligibility. Those who instruct anyone to carry out a terrorist activity would be subject to a maximum of life imprisonment.

In addition, the criminal code would stipulate that sentences imposed for terrorist offences are to be served consecutively to any other offence imposed relating to the same activity or event.

These are the main elements of our legislative proposals. Legislation alone is not the complete answer to the security challenge we are facing. Rather, it is one element of the government's plan to deal effectively with terrorists and those who support them.

It is incumbent on us to ensure that our laws meet our present day needs. As such, this package includes a three year parliamentary review clause because we acknowledge the fact that our needs may change in the weeks, months and years ahead.

Government Orders

•(1030)

Today I want to reassure Canadians that their government has listened to them and acknowledged their desire for action. It is responding with a legislative package that I believe meets their expectations not only in relation to combating terrorism but in its commitment to protecting individual rights and freedoms.

Our world changed dramatically on September 11 but not in the manner that the terrorists who planned and carried out the horrific attacks had hoped. They aimed to frighten us, disrupt our lives and force us to question our most basic democratic values of freedom and liberty. They did not succeed. Our commitment to democracy is stronger than ever. Together all Canadians are committed to increasing public security while maintaining our core values.

Bill C-36 represents an appropriate legislative balance to reflect Canadian values. Though our allies may have designed different legislative means to suit their legislative and constitutional frameworks, we nevertheless share a collective goal: to provide our citizens with security for themselves, their families and their communities.

I welcome review of the legislation by the House. I encourage all members to participate in the review and to support passage of the legislation.

•(1035)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Madam Speaker, I rise on a point of order. There have been consultations between House leaders and there is unanimous consent for the following motion which I would like to put to the House. I move:

That, notwithstanding any Standing Order or usual practice, no proceedings pursuant to Standing Order 38 shall be taken up this day and the House shall sit after 6:30 p.m. for the purpose of considering Bill C-36, provided that the House shall adjourn at 10:00 p.m., and provided that, if no Member rises to speak before that time, the debate shall be adjourned and the House shall be adjourned and during such debate the Chair will not entertain motions for unanimous consent.

The Acting Speaker (Ms. Bakopanos): Is that agreed?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Peter MacKay: Madam Speaker, I rise on a point of order. Given the presence of the minister today, the importance of the new legislation and the fact that she has given a riveting and informative speech on it, would she entertain a short period of questioning from the opposition? I seek unanimous consent of the House for that.

The Acting Speaker (Ms. Bakopanos): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Vic Toews (Provencher, Canadian Alliance): Madam Speaker, I thank the minister for her comments. I am pleased to take part in the debate today regarding the long anticipated anti-terrorism legislation. I am pleased to see the new found enthusiasm of members on the Liberal benches to fight terrorism. After years of

inaction and denial the light finally went on over there, especially in view of the circumstances of September 11.

The bill being tabled today is an important step forward and reflects many of the issues the Canadian Alliance has been raising over the past years. The bill echoes many recommendations made by Canadian Alliance members of parliament, including the identification of terrorist organizations, the ratification of international obligations to suppress terrorist bombings, and banning fundraising activities that support terrorism.

As recently as September 18 our party introduced a supply motion putting forth a number of the same elements Bill C-36 introduces. The motion unfortunately was voted down as the government accused the Canadian Alliance of playing politics or trying to score political points.

It is disappointing that the government has chosen to disparage the opposition for raising legitimate security concerns, not only in the past month but over the past number of years. It is even more disappointing that the government has forced Canadians to wait so long before finally introducing the same measures it previously disparaged.

The United Kingdom has had strict laws banning terrorist fundraising and other terrorist activity for a year and a half, and the United States has had such laws in place for a number of years. However Canada has not taken any legislative action in this area until now. It appears that government members have finally acknowledged the gravity of the situation now that the tragedy of September 11 has forced them into action.

Although some positive and necessary measures are being announced in the proposed legislation, in the days and weeks to come members of the Canadian Alliance will be urging the minister to take further steps to improve the provisions of the bill.

One issue that needs to be raised and debated is the failure of the government to ban membership in organizations that are clearly identified as terrorist organizations. If the purpose of an organization is to engage in terrorist activities, what possible justification can there be for permitting individuals to continue to belong to the organization?

The Liberal government has argued in the past that such a provision might be considered unconstitutional. However, making it illegal to participate in a group proven to be a terrorist organization is a reasonable limit on freedom of association and other freedoms in the charter.

When the primary, if not the sole, purpose of such an association is to commit illegal terrorist acts, the safety and security of all citizens may reasonably supersede the individual rights of the persons participating in the organizations or conspiring to commit the acts. If the courts do not believe our citizens are deserving of this protection they should tell us so, but the government should have the courage to include that in the bill.

Government Orders

Contrary to the suggestions found in justice department publications, the provision would not make participation in a terrorist organization illegal unless it could be proven that a person had the intention to facilitate illegal actions for the organization. This is the same misleading characterization that was in the government's previous organized crime legislation. People need to understand that the provisions make clear the additional responsibilities a prosecutor would need to demonstrate in a court of law.

● (1040)

Another concern is that the bill does nothing to address Canada's new status as a haven for terrorists seeking to flee the consequences of their crimes in other countries. The Canadian Alliance has called on the government to put in place laws to ensure terrorists are extradited promptly and without reservation to countries that respect the rule of law. However the bill fails to address this serious concern.

The Supreme Court of Canada's *United States v Burns* decision of February 15, 2001, created a safe haven in Canada for violent criminals, including international terrorists, regardless of nationality, who come to Canada to escape lawful punishment in the United States or any other democratic country.

The anti-terrorism and effective death penalty act of 1996, passed by the United States congress, makes terrorism a federal crime punishable by death. Any suspected terrorist who travels from the United States to Canada to escape prosecution may therefore not be extradited unless assurances are given by the U.S. that the person would not face the death penalty.

It is troubling that if the criminals involved in the New York City or Washington attacks made their way to Canada to avoid prosecution the Canadian government would be prohibited from extraditing them pursuant to *United States v Burns* unless there were undefined exceptional circumstances. These circumstances are required by the court, so the law becomes the policy playground of unelected judges who define such circumstances on a case by case basis.

These are not simply the comments of members of Canadian Alliance or opposition members. In a related case last February, the day after I stood in the House and said the *United States v Burns* case was creating a safe haven for terrorists in Canada and the Minister of Justice stood and denied it, her own lawyers on behalf of herself and the Minister of Immigration expressed their concern to the supreme court in precisely the same words. They said its decision could create a safe haven for terrorists.

They cited the case of Suresh and Ahani, suspected terrorists from Sri Lanka and Iran respectively who have claimed refugee status in Canada and are using charter rights to appeal against deportation. Canadian Alliance members have asked the minister to reopen the Suresh arguments. The Supreme Court of Canada has not yet delivered its judgment but the minister is entitled in exceptional circumstances to request that the case be opened.

Given the events of September 11, these are clearly exceptional circumstances. The Minister of Justice has refused to ask the Supreme Court of Canada to reopen the Suresh case. Accordingly it is unlikely that she will be able to extradite foreign terrorists after the court makes its ruling.

In extradition and deportation cases Canadian laws must ensure that terrorists are expelled from Canada promptly and without reservation to face the consequences of their acts. I would ask the minister to reconsider adding such provisions to the legislation. Canadians require legal certainty, not vague assurances by the minister or unelected judges. The security of Canadians is too important to be the policy plaything of unelected judges.

● (1045)

Another worrisome issue is that the bill fails to deny parole to terrorists convicted of multiple murders. Under the anti-terrorism bill sentences would be served consecutively for a number of offences. However sentences of life imprisonment are excluded. In other words, if a terrorist commits murder he or she would be eligible for parole yet for lesser offences the sentences must be served consecutively.

In light of the fact that terrorists attempt to indiscriminately kill and take as many lives as possible, it is self-evident that those who kill in this fashion should never be released from custody. A second opportunity to participate in a mass murder should never be provided, and certainly not provided by the House.

Another concern I draw to the attention of the minister is the joint prosecutorial authority afforded by the legislation. It is clear that both the provincial attorney general and the federal attorney general may initiate prosecutions under the legislation. However I submit that in view of the international scope of terrorism prosecutions should remain in the hands of the federal attorney general.

I agree there should be co-operation with the provincial attorneys general, but the scope of these investigations and the involvement of CSIS and the RCMP require federal direction.

My real fear is that this provision was included simply to download financial responsibility to the provinces and to allow the federal minister of justice to escape political heat whenever she or he did not want to take authority for a prosecution.

We have seen before where the federal government downloads responsibilities after passing a law. The burden of the prosecution and the financial cost associated with those laws then remain on the province. This legislation is a matter of national security. It should be dealt with by the federal attorney general and resourced through parliament.

Many Canadians have serious and legitimate concerns that civil liberties may be sacrificed in the government's attempt to quash terrorist activity. Regardless of the gravity of the security threats facing our country all citizens must be assured of legal protection from the arbitrary exercise of state power. That is why it is so important that the legislation clearly spells out the rights of police and security agencies. We want to provide police and security agents with this authority but not on any terms. The terms must be carefully and clearly delineated in the legislation.

Government Orders

Canadians want to see evidence that the federal government is taking strong and effective legislative measures to improve national security. I do not think these measures need be at the expense of personal freedoms.

The legislation is raising and will continue to raise civil liberty concerns in the course of this debate and beyond. The preventive arrest and the investigative hearings provisions of the bill will surely come under charter scrutiny. The new power of preventive arrest would allow a peace officer to arrest a suspected terrorist if there were reasonable grounds to suspect that the person was about to commit a terrorist activity. The section on investigative hearings would compel material witnesses to disclose information relating to terrorism to a judge even without a formal trial.

• (1050)

It appears that both these measures are reasonable, especially in the context of the investigative hearings where there is protection from self-incrimination. However, the due process that is imported into the investigative hearings may in fact prevent the timely disclosure of information necessary for action against pending or imminent terror activity.

We have to balance those due process concerns with the ability of our authorities to get timely information. In view of the fact that there are no penal consequences as a result of the investigative hearing both processes could be sped up because there are no criminal consequences to that and we need to bear that in mind.

Some of the amendments to the criminal code regarding hate crimes are also of concern. For example, under the bill courts may order an Internet provider to delete an item from the computer system if it were deemed hate propaganda. The courts may also order the custodian of the computer system to provide any information relating to the whereabouts of the person who created the hate propaganda.

The increased abilities of our police and security agencies also need to be carefully considered. It is important to remember that our laws dealing with national security have not kept up with advances in technology in terms of proposed changes to laws governing wiretapping procedures. Criteria for obtaining warrants and electronic surveillance orders to monitor terrorist activity should have been streamlined and modernized years ago. Our frontline workers need to be able to respond to the virtually unlimited resources, funds and technology of terrorist organizations.

The analogy can be made in the context of organized crime. It seems that terrorist organizations and organized crime have unlimited funds. Our police and other security agencies do not. As my colleague pointed out yesterday in question period, the government seems to put its priority on registering the shotguns of duck hunters rather than providing our security services with those resources. Spending \$100 million a year on registering the shotguns of duck hunters for no bona fide criminal activity is an absolute disgrace. If the government wants to find money to prevent crime, let it do so by abolishing this very ill conceived national long gun registry.

Another concern is the very close bureaucratic relationship between our federal police, the RCMP, and the solicitor general. If

we are giving police this broad power and if it is justified under the charter in order to accomplish these security needs, then we have to take steps to divide that close relationship between the solicitor general and the commissioner of the RCMP.

The commissioner of the RCMP is a deputy minister in his own department. It is wrong for a national police force to have that kind of relationship with the minister. There needs to be protection so that the police work is separate from the political work or the possibility of political interference in that police work.

• (1055)

My colleagues in the NDP have raised the issue that the legislation may suppress bona fide political dissent. That too is a legitimate concern. One of the ways to address that issue is not by diluting the legislation, but by putting a proper reporting system in place so that the heads of the RCMP or other security agencies do not report to the solicitor general but to an independent committee of the House made up of non-partisan members of the House or members from both sides of the House. This is a very important step that we can take in order to ensure that police powers are properly used.

The unprecedented terrorist attacks of September 11 will certainly influence the courts' rulings on security matters. We must allow the courts to do their work after we have considered and passed this legislation.

As the Minister of Justice said, the courts read newspapers, so they know what is going on. It is too bad the minister could not have supplemented that knowledge by expanding the arguments against Suresh. The minister missed a golden opportunity in these exceptional circumstances to make a clear stand against terrorism by indicating very clearly the arguments that need to be made to the Supreme Court of Canada.

Over the course of the past month the Canadian Alliance has drawn attention to the fact that although Canada signed the international convention for the suppression of the financing of terrorism almost two years ago, it has not ratified the convention because the federal government failed to put into place the necessary legislation to stop terrorist fundraising.

Now that the legislation has been introduced, it appears that the justice minister was less than frank with the House and Canadians when she implied in the House in response to questioning that she could seize money under subsection 3(2) of the United Nations Act. This section has been amended by new legislation on goods, wares or merchandise; in the very section that she said would allow her to seize those assets, including money, those words have been deleted and replaced with the word property.

Although the minister implied that this section, as it was then, gave her the authority to seize assets, the Canadian Alliance consistently said that the government did not have the legislative authority to do so. It is now clear that this is in fact the case.

Government Orders

It is unfortunate that ministers of the crown would spend their time in question period being vague and less than frank in order to make up for legislative and policy failures, however, I welcome the new provisions that would allow the government to ratify the UN convention and to take this long needed action to suppress the essential financial resources needed by terrorist organizations.

There are a number of amendments to other acts in the bill, including the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act, the National Defence Act and many others. We must be diligent in ensuring that all amendments to these acts strike the appropriate balance between national security and the right of the public to be informed of government business. The leader of the PC/DR coalition has been especially vigilant in respect of this disclosure. He has mentioned it in various questions and other statements, as have other members of the House.

Some of the amendments to the Access to Information Act are troubling. For example, the bill would allow the attorney general to prohibit the disclosure of information for the purpose of protecting international relations, national security or defence. This sweeping provision could potentially restrict the information available to Canadians to a great extent. Information about the deficiencies of the Sea King helicopters may not have been revealed if the attorney general could have used the blanket prohibition of protecting national security to prevent such information from being released.

• (1100)

The bill should not be a cover to allow the government to continue to evade its security responsibilities as it has done over the last number of years. These types of amendments to the Access to Information Act need to be very carefully considered.

The government also claims that the bill clarifies the mandate of the Communications Security Establishment. Currently the CSE is a government agency that provides guidance in the area of information technology. However the mandate extended to the CSE in the bill gives considerable legal authority to the agency. For example clause 102 of the bill allows the Minister of National Defence to authorize the CSE to intercept private communications for the sole purpose of obtaining foreign intelligence. This amendment to the National Defence Act is a major shift of the responsibilities of the CSE and should not pass through the House without due consideration of its implications.

Along the same lines I also have concerns about amendments to the Official Secrets Act. Secrecy legislation is primarily designed to protect the security of the state from espionage. However, the broad wording of Canada's Official Secrets Act means that it may be used to sanction the unauthorized release of almost any information held by government.

We must be mindful of this when considering any amendments to the act. In view of the answers we have heard provided to the House by ministers of the crown, for example the solicitor general, matters that routinely are given to members of the press in the United States by the American government are denied access here in the House. The minister simply stands and says that it is a matter of national security and cannot be disclosed. If the minister is taking that position on the basis of the existing act, we can imagine what the

minister would do with enhanced powers. We need to clarify the powers that the ministers may have in denying Canadians the right to information that does not undermine national security.

The last but perhaps most important concern I would like to raise today is the matter of resources. The legislation, as good as it is in its various aspects, will be of little value if the Liberal government does not provide adequate resources to our frontline forces in the fight against terrorism. The government consistently says it gives a certain amount of money over a number of years, but when we divide that money over those number of years and subtract the money that has been taken out of the security budget and look at what actual money is going to frontline police and security services, we realize that the money certainly is less than adequate. Again I only need make reference to the kinds of boondoggles into which the government has been willing to put money, like registering the shotguns of duck hunters.

The United States passed legislation in 1996 that requires the government to commit resources to support a wide range of security measures. The Canadian bill has no such requirement. It is the responsibility of the government to provide adequate resources to our frontline police and security agencies in the fight against terrorism. Without this support Canadian security cannot be assured.

The government has taken some important steps. Although we will be considering the provisions of the bill very carefully, it is imperative that the legislation move forward as quickly as possible. I therefore thank members of the House for the increase in the number of hours for debate to raise concerns and move the matter along.

• (1105)

All Canadians are entitled to live in peace and security. While the government has finally moved to respond in a meaningful way to the threat of worldwide terrorism, much remains to be done. Members of the Canadian Alliance, the opposition, are committed to working with the government to ensure that the steps necessary to achieve peace and security in Canada are accomplished.

[*Translation*]

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, as we all know we have been asking the minister to introduce legislation that will allow Canada to fulfill its international commitments in the fight against terrorism for some time now.

It is therefore understandable that since the events of September 11 we have been looking forward to this bill on terrorism. Now that we have it, the question is whether or not it lives up to our expectations.

First, we can only applaud the fact that the minister has finally introduced legislation that truly outlaws activities that finance terrorism. Whether it be for organized crime or terrorists, money is the lifeblood of war.

By starving an organization of its sources of financing, we greatly reduce its striking power. Furthermore, by adding seizure and freezing of assets, we can begin to take seriously the government's claim that it wants to wage war against terrorists.

Unfortunately, from part 6 on, the bill contains, word for word, Bill C-16, the bill on funding charitable organizations. What we thought we could call the late lamented Bill C-16, has risen from the tomb. Apart from a few cosmetic changes, it is to be found in Bill C-36 almost in its entirety.

On April 30 I summarized Bill C-16 in the following terms: suspicion, discretionary power, enigmatic proof, and lack of control. Six months later, I have no choice but to reiterate these same comments about part 6 of this bill on terrorism.

We do not deny that it is appropriate to protect the integrity of the charities registration system by preventing their use as a cover for terrorist organizations. What we dispute is the way the government wants to go about achieving its ends.

This spring we criticized the fact that it went against too many principles of justice for it to pass royal assent. To let this happen would constitute a dangerous precedent in terms of the violation of procedural guarantees. However, yesterday the minister slipped the same bill, give or take a comma, under our nose. Worse yet, the inquisitorial procedure established by Bill C-16 now applies to a body that wants its name removed from the list of organizations involved in terrorist activities.

Now under the bill before us the governor in council will be able to establish by regulation a list containing the name of any entity that might be associated with terrorist activities.

What does that mean, exactly? In both cases, the entity and the charity appear before a judge who can reach a decision from evidence submitted in camera and without the party or parties being present.

In even clearer terms, let us suppose that a charity loses its charitable status following the signing of a certificate by the solicitor general or the Minister of National Revenue. The organization will be allowed to ask the judge to quash the certificate. However, it is possible that the judge will base his decision on information that the organization will never have access to.

The same goes for a group that wants to see its name struck from the list of organizations associated with terrorist activities. That group will have to go before a judge, who will determine whether or not to remove the group's name from the list. However, this could take place without the applicant ever knowing why his name first appeared on such a list.

By violating such fundamental and elementary rules of evidence as the disclosure of evidence, the government is ignoring the contradictory nature of our judicial system. All the more worrisome is the fact that the evidence adduced will be based on information provided primarily by CSIS. Knowing the practices used by CSIS and its difficulties in striking a fair balance between national security and rights and freedoms, this might be cause for concern.

● (1110)

With such provisions, we can legitimately ask two questions. Either the information is not circulating between ministers or else the government has simply decided to turn a deaf ear to the representations made by countless witnesses who appeared before

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the Standing Committee on Finance when it reviewed Bill C-16, which at the time was sponsored by the solicitor general.

Since it is hard to imagine that the Minister of Justice was not informed of what went on during the proceedings of that committee, the only plausible assumption is the second one. Considering all that went on with the young offenders bill, could this be a habit with the minister?

In the same vein, during the first sitting of the Standing Committee on Finance, which took place on May 16, the solicitor general and the Minister of National Revenue tried to explain to us why Bill C-16 did not include the definition of the term terrorist. The solicitor general said, and I quote:

[*English*]

If you are aware, the courts have indicated that it is not necessary to define terrorism.

[*Translation*]

He went on to say:

[*English*]

When you evaluate around the world to find an exact definition for terrorism, it is about impossible.

[*Translation*]

As for the Minister of National Revenue, he specified the following:

Merely coming up with a definition or defining parameters would basically, at the end of the line, end up taking away tools or options that we would like to have in this bill.

Yet, to cite just two examples, the U.K. terrorism act and the French penal code have successfully done what these two ministers felt was impossible at the time they were defending Bill C-16 before the committee. The British legislation reads as follows:

[*English*]

In this Act "terrorism" means the use or threat of action where:

The use or threat is designed to influence the government or to intimidate the public or a section of the public and,

The use or threat is made for the purpose of advancing a political, religious or ideological cause.

[*Translation*]

As for the French penal code, terrorism is defined as follows:

Certain criminal offences are considered terrorism when the acts are intentionally linked to an individual or group whose purpose is to cause a serious disruption of public order through intimidation or terror.

This is followed by a list of the criminal offences considered acts of terrorism. I will spare members that, however. We can see that there has been a sort of attempt in Bill C-36 to define the terms terrorist activity, terrorist group and terrorism offence.

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Considering that the term was virtually undefinable, according to the two ministers, one might well think that the Minister of Justice has done nothing to simplify things. Bill C-36, instead of providing a definition along the French or British lines that states right off what is involved forces us to constantly jump from one reference to another, and we have almost forgotten what we were looking for by the time we get to the end of the chain of searches. Fortunately the basic content is there, but the form needs more work. In actual fact, there is no definition of terrorism, just definitions for act, action or omission.

In addition, as we have been seeing for some time now, law enforcement officials are demanding a considerable increase in their powers, but must the powers of the various government bodies responsible for security be increased in order to mount an effective campaign against terrorism? Well might one wonder. In the October 6 issue of *La Presse*, journalist Yves Boisvert wrote:

Nothing useful will be accomplished without effective information services and an intelligent police community.

What constitutes an effective information service? One thing is certain, that is, it is certainly not by keeping tabs on groups such as Amnesty International, Greenpeace, the Anglican Church, the United Church and the Raging Grannies that we are going to dismantle a major terrorist network. Yet considering that some fifty or so organizations and approximately 350 individuals are already being watched closely by CSIS as part of its anti-terrorist program, there is no lack of genuine terrorist threats. We may therefore conclude that if the resources and energies were concentrated in the right place, part of the problem would resolve itself.

Furthermore, in order to be intelligent, must the police be authorized to commit criminal offences as provided for in the organized crime legislation? By placing above the law those who are supposed to enforce it, such measures can only succeed in institutionalizing crime within law enforcement agencies.

Must we also bend the rules of evidence in order to compensate for deficiencies or errors in a case before the courts? Since a police investigation can have a tremendous impact on an accused, the work of law enforcement officers must be guided by rules imposing maximum rigour.

Let us not lose sight of the fact that the primary mission of police officials is to protect public safety. This is not some contest to make a maximum number of arrests leading to charges, particularly if these charges are the result of bungled investigations. Not only will the public not be better protected, but in fact it will be even more vulnerable to possible abuses of authority. This would be to replace one threat with another. If such guiding rules are limited, there is a good chance that corners will be cut.

Bill C-24 opened a door that will be very difficult to close and its long term impact could be catastrophic. By allowing a peace officer to detain a person following an arrest without a warrant, Bill C-36 just opens another door. If there are sceptics, just think of what happened during the October crisis with the War Measures Act: there were hundreds of arbitrary arrests and heavy handed searches without warrants, undoubtedly the worst case of abuse of power ever known in Quebec.

●(1115)

It is fine to introduce anti-terrorism legislation, but let us not forget that this is merely a legislative tool that cannot be effective in and of itself. The best legislation in the world is useless if there are not competent people with a good head to implement it and ensure compliance with it. This includes police authorities, intelligence services and customs officers.

In the case of customs officers, there is still a lot of work to do to change their approach, which remains much more focused on alcohol and cigarette purchases. I made a quick trip to the United States after the September 11 events and when I came back to the Canadian border, the only reflex of the customs officer was to ask me what I had bought that day.

This speaks volumes about the concerns of those who normally should be the first line of defence of our national security.

On the issue of possible abuse, the minister is also grabbing relatively extraordinary powers, since her bill gives the attorney general the authority to unilaterally suspend in a totally arbitrary fashion the application of the Access to Information Act, through powers usually reserved for the commissioner.

Once again, this type of political interference is a cause for concern, particularly since the government has been severely criticized recently, both here and elsewhere, for its policy of silence.

If we look at the amendments to the Firearms Act, we see that the governor in council can exempt any category of non-residents from the provisions of this bill.

According to information received yesterday morning from departmental staff, the amendments to the Firearms Act would apply solely to air marshals responsible for ensuring on board security on international flights.

If this is the objective the minister had in mind, it would be worth her while to say so clearly in her bill. Given the circumstances behind the creation of Bill C-36 and the government's policy of being reactive rather than proactive, we understand that this bill was drafted hastily. We hope, therefore, that we can count on the minister's co-operation when the time comes to propose the necessary amendments to fill in the gaps.

Given the urgency of the situation, the government must not be allowed to use the crisis situation as a pretext for sneaking its bill through. At any rate, the damage is already done, and the situation could hardly be worse, considering the state of psychosis that reigns just about everywhere

If we are to equip ourselves with such a significant tool, such a restrictive and invasive one as an anti-terrorist bill, then we might as well take the time required to make sure we have the best legislative framework possible. The committee stage must not be glossed over. We are certain that many people will want to be heard and we cannot afford to not take advantage of the valuable contribution of their expertise.

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There is one more point we feel it is important to raise. At present, the bill specifies that a thorough examination of its provisions and application must be carried out within three years of its enactment. At this point, we feel it would be wise to reduce that three year deadline to one year.

Considering the fact that these are exceptional circumstances and that we are presently debating measures that are equally exceptional, we cannot afford to wait three years before reassessing this legislative framework that is taking us into uncharted territory. We must prevent any opportunities for mistakes and a shorter review period is the best way to make adjustments if the circumstances so require.

To close, as the Prime Minister so wisely stated, we must be vigilant and prudent in order to avoid repeating the mistakes of the past.

• (1120)

When it comes to mistakes of the past, we have no doubt that the Prime Minister knows what he is talking about, since he was a minister in the Trudeau cabinet during the October crisis of 1970.

There is no magic bullet when it comes to terrorism, as I have already said. At first glance Bill C-36 appears harsh and invasive. However, it would be inappropriate to remain passive in circumstances such as these.

Basically we will have to take the necessary time to ensure that this bill will allow us to fight terrorism effectively while minimizing the inconveniences to citizens.

In short, we must be sure that Bill C-36 will do more good than harm.

• (1125)

[English]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Madam Speaker, I am happy to have the opportunity to address Bill C-36 and to put on the record the concerns of the New Democratic Party.

I want to begin by saying a few words about the context in which we are having this debate. Obviously the context is set primarily by the events of September 11 and the need that follows from those events for Canada to consider whether or not its current legal regime is adequate to prevent terrorist activity here in Canada or prevent Canada from being used as a place where terrorist activity in other countries can be financed or in other ways supported.

This drive for new and better anti-terrorism legislation is driven by the legitimate concerns and the legitimate fear that have arisen out of September 11. It arises also out of the motion passed at the United Nations subsequent to September 11 which calls on all nations of the world to implement anti-terrorism legislation and to implement UN conventions with respect to the prevention of terrorism within 90 days. The government is moving to do that. That is a good thing and something which we welcome regardless of what particular concerns we might have about the legislation that is now before us. That is part of the context, i.e., September 11. However, we are not doing this in isolation. Unfortunately we also are considering this legislation in the context of the last few years here in Canada.

What I mean by that is the events that happened, for instance, at the APEC meeting and subsequently in Quebec City. They are on the minds of many people. The government might say that is an entirely different thing. The question is whether or not the bill is designed in such a way to make sure that the kind of protest activities that took place in Vancouver at the APEC meeting, in Windsor at the OAS meeting and in Quebec City at the FTAA meeting will be treated differently from the kind of activity which is addressed in this particular legislation. That is one of the concerns we bring to the table, because we know that it is a concern out there within a certain constituency in the Canadian public.

In the end, all of this is really a question of trust. It is really a question of not what the legislation says and not what the government says, but whether or not Canadians trust that the spirit and the letter of the law will be followed and not in some way or another abused. That is really what is at stake here. No amount of citing the relevant clauses of the bill and saying that something cannot happen will do. If people believe out of their own experience or from reading or learning about the experiences of others that either the government or the police have an inclination in some circumstances to abuse powers and to treat as unlawful that which is lawful, then they find themselves in a position of not being able to give the kind of approval they would otherwise probably like to give.

• (1130)

All Canadians feel there are things that need to be done, particularly in the parts of the bill that have to do with the ratification and implementation of the UN conventions. That is not something that anyone is taking any issue with at all. There are other things in the bill that are more problematic and which need to be further discussed, explored and explained in committee.

We need to hear from Canadians who have concerns about particular aspects of the bill. We want to have a good process in committee where time is taken to hear from these Canadians so they can put their concerns on the record and so that we might even be able to amend the legislation, if necessary, if that is the will of the committee.

I would like to deal with the issue of trust. The definition of a terrorist activity, not the one that comes out of the UN conventions but the one which the government has put into the bill, in section 83.01 states:

- (b) an act or omission, in or outside of Canada,
- (i) that is committed
- (A) in whole or in part for a political, religious or ideological purpose, objective or cause, and
- (B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the person, government or organization is inside or outside Canada, and
- (ii) that is intended
- (A) to cause death or serious bodily harm to a person by the use of violence,
- (B) to endanger a person's life,
- (C) to cause a serious risk to the health or safety of the public or any segment of the public,
- (D) to cause substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of the clauses (A) to (C) and (E), or

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(E) to cause serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of lawful advocacy, protest, dissent or stoppage of work that does not involve an activity that is intended to result in the conduct or harm referred to in any of clauses (A) to (C).

These are the clauses having to do with death or serious bodily harm, endangering a person's life or causing a serious risk to the health or safety of the public or any segment of the public.

At first reading one might be tempted to think that pretty well covers it because the government has said that as long as it has to do with lawful advocacy, protest, dissent or stoppage of work and does not involve these other terrible things then everything is fine.

However, there are a couple of problems I would like to explore further in committee. I am not making a final judgment on the particular clause. For example, it does raise the question of what is lawful advocacy, protest, dissent or stoppage of work.

If it were clear as to what was lawful and what was not, then there would not be a problem. However there is such a thing as an unlawful stoppage of work or an illegal strike. The law is now able to deal with them, but it would be a legitimate concern that illegal stoppages of work might somehow fall under the ambit of this if other criteria were met. These are the kinds of things I hope to ask the minister and others about in committee.

What is lawful? Lawful sounds good but a lot of young people thought they were engaged in lawful protest in Quebec City way beyond the perimeter and not challenging the wall or engaging in any property damage or anything like that. They were just sitting around, talking to each other, when all of a sudden they were tear gassed, fired upon with rubber bullets and treated as if they were doing something unlawful.

• (1135)

This comes back to trust and I think it is regrettable. I would prefer that we were dealing with anti-terrorism legislation in a context of trust where all Canadians could feel they did not have a government that was careless about their civil liberties and right to lawful protest. Instead we are unfortunately not just dealing with the context of September 11, which should be the overriding concern, but the backdrop for this in the minds of a lot of Canadians is APEC and Quebec City.

One thing the government has to do is persuade those Canadians who have scepticism arising out of those experiences that this is entirely different and that this would not be used to harass legitimate protestors or get in the way of legitimate protests.

That brings me to the next concern that my party has which deals with the notion of preventive arrest. It is just a concern at this point. We know that in certain circumstances over the last few years certain people who were known to be participating in protests were all of a sudden charged with something, detained, and were not able to be at the protest. I will not mention any names but this is a known fact.

The minister said in her speech, and it is stated in the legislation, that the preventive arrest issue is not arrest without warrant forever and ever. The person would have to appear before a judge after 24 hours and could be detained for another 48 hours. It is only a judge

who can order further detention and then only if the person is unwilling to meet the conditions laid down by the judge.

I understand all of that. That does not mean to say that in the wrong hands this could not be used as a way to harass people who were planning on attending certain events and suddenly find themselves the object of this provision.

I know the minister said the legislation is not intended for that sort of thing at all, and I hope it is not. I even believe that it is not in the minister's mind. I am trying to convey the spirit of scepticism that exists among a great many people arising out of the experiences over the last few years. There would not be any more need to trump up charges against anybody because this provision in Bill C-36 could be used.

Another concern I have was raised by the member for Provencher. It deals with the use of the phrase anything damaging to "international relations" as a reason for non-disclosure when it pertains to information made available in the context of various investigations, hearings or determinations by the government.

The member for Provencher said that this was a very broad category. Almost anything could be construed as damaging international relations. We experienced this in the past when the government felt obliged to uncritically accept the views of other governments with respect to activity happening in Canada.

I remember controversies some years ago when the Sikh community in Canada found itself at odds with the government because it was taking the view of the government of India as the uncritical truth about what was happening there or the uncritical truth about what was happening within that community here.

As long as we have communities in Canada that are concerned about struggles and conflicts in other countries, there will inevitably be a divergence of opinion in many circumstances between what people here believe and what the government there believes. It does not mean that either of them are particularly malevolent in this respect. It is just a fact of life that there will be a divergence of opinion.

• (1140)

What this could possibly suggest is that for any disclosure of information that would be found unacceptable or unfriendly to a foreign government with which Canada wanted to maintain good relations, we could not disclose it in the context that the bill is describing. That is another concern which we will have to explore at committee because the views of other governments are not always pristine, balanced or objective, or certainly they may be different from views held in Canada either by a particular group of Canadians or by Canadians in general.

There has been much said about preserving the balance between liberty and security. We must not just respect Canadian values in this regard. We need to respect Canadian values as set out in the Canadian Charter of Rights and Freedoms. The government claims that it has done this. We will want to hear evidence about this in committee and perhaps debate among ourselves whether this bill meets that challenge.

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In fairness to the government and to the charter, the charter has already had its effect on this legislation. My understanding is that the bill does not go as far as the British anti-terrorism legislation. This is because we have a Canadian Charter of Rights and Freedoms and Britain does not. That may well be the reason for the difference. For example, intellectual support for terrorist groups or causes associated with terrorism, or even membership in certain organizations, is not proscribed by in Bill C-36.

The charter has already done its work in changing what might otherwise have been brought before us by the government. It is still legitimate to ask whether or not what we have before us is not so much charter proof but whether it corresponds to what the charter demands of us.

I suggest to the government that it consider whether or not the bill should be referred to the Supreme Court of Canada at the same time as it is being debated and studied in the House of Commons and pre-studied in the Senate. As we know, the Senate will begin to study the bill at the same time as the House is seized of it, which is an unusual procedure, but it is being done so that the bill can be passed expeditiously.

Why would the government not consider referring the bill to the Supreme Court of Canada for an urgent judgment, not at its leisure but within the same framework of time as the House is dealing with the bill? If the House can deal with it and the Senate can deal with it, surely the supreme court could deal with it. Then we would not need this debate about whether or not the legislation meets the requirements of the charter.

Another matter I would like to raise and which I hope we will be able to consider in committee has to do with the whole question of whether or not certain aspects of the bill should be sunsetted. The bill provides for a parliamentary review after three years.

We live in extraordinary circumstances. It might be advisable to consider that what seems acceptable today to the government, to a majority of the House or perhaps to everyone ultimately, might not seem acceptable or necessary in a year or two.

● (1145)

Therefore, because I have seen these parliamentary reviews before and they tend not to mean very much, there might be some need to consider looking at a sunset clause instead of having a parliamentary review.

Finally, we need to consider the whole matter of resources, because all of this will be for naught if we do not give the agencies charged with these responsibilities the resources they need. In that respect we have to redress the damage that has been done to the public sector in so many ways by the government ever since it took office in 1993.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Madam Speaker, the member for Winnipeg—Transcona has anticipated some of the concerns that I will be putting forward myself when my turn comes to make remarks.

He mentioned the problem of protests and worried about whether the legislation applied to proper protest movements, labour marches and that kind of thing. I wonder, does he think the legislation should

apply to protest movements where violence is planned, where it is deliberate?

I do not think APEC is a good example, but Quebec is a good example of where protesters actually deliberately organized assaults on the police lines, if you will, and there was a deliberate planned intention to use violence. Should that type of individual come under the ambit of this act?

Mr. Bill Blaikie: Madam Speaker, I want to find out from the government members whether they feel that kind of individual falls under the ambit of the act. Regardless of whether or not such an individual would fall under the act, we have always made it clear that what we are trying to defend here and what we use as our benchmark for analyzing the bill and other things is the right of Canadians to legitimate peaceful protest and dissent.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Madam Speaker, I thank the hon. member for his very thoughtful commentary. I was particularly happy to hear his suggestion that the legislation should include some form of sunset clause. Of course if necessary it could always be re-enacted by parliament with any necessary amendments to take care of any flaws that would have become evident after a couple of years in operation. I am glad he made that point.

In looking at this, does the hon. member have any specific examples that he has seen in the past in his lengthy parliamentary experience where by this sort of clause has been used effectively? Could he suggest a more concrete way in which this would be appropriate for this legislation?

Mr. Bill Blaikie: Madam Speaker, I am not sure to which clause the member is referring. I am not sure whether he is referring to the clause in the bill having to do with parliamentary review or whether he is referring to a clause that is not yet in the bill having to do with sunsetting.

In either case, clauses having to do with parliamentary review are ultimately upheld. That is to say the review takes place. Sometimes it does not take place on time. Sometimes there are good reasons for that because the committee that needs to do the review might be seized with something more important or whatever. Sometimes it does not take place because the government is not particularly interested in that happening right away so it is delayed.

However, it is only a parliamentary review when a committee makes recommendations. Again, as is the case in our system, the government is not required to respond to whatever the parliamentary review comes up with. A committee could look at it and say that it is not working, that it has turned out to be an overreaction or that it has led to curtailment of freedoms that we did not intend, et cetera. Yet nothing happens because there is no obligation on the part of the government to implement whatever recommendations come out of a parliamentary review.

The advantage of a sunset clause would be that the government would be obliged to reintroduce the legislation. Therefore it would be forced, if you like, to use the opportunity if it wanted to, to take certain things out, to amend certain things, or for that matter to add to the legislation. That seems to me to be the advantage of a sunset clause over a parliamentary review clause.

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• (1150)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Madam Speaker, the hon. member probably realizes that at the present time the border crossings are under the regulations and guidance of Revenue Canada. I find it rather strange that at our border crossings people are being issued bulletproof vests and calculators. They are revenue collectors in most cases. As the events have turned in the last little while, I firmly believe it is time to remove Revenue Canada from being the controlling body of these individuals who are dealing with security of our borders and move it to a law enforcement agency, probably the solicitor general or someone like that, to protect the nation.

What does the member personally believe in, protection or collection?

Mr. Bill Blaikie: Madam Speaker, the question sets up a dichotomy which I am not sure I accept. I confess to the hon. member I have not given a lot of thought to it. I did not see it as particularly relevant to the bill but as they say in question period sometimes, I will take his comments as a representation.

[*Translation*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Madam Speaker, it is my pleasure to rise today to speak to this debate on Bill C-36. This is a very important bill.

[*English*]

I would indicate at the outset that members of the Progressive Conservative/Democratic Representative Caucus Coalition are generally supportive of this legislation and enthusiastically supportive of the need to bring about changes in our internal security measures and the way in which we deal with terrorism in this country.

I begin my remarks by saying that this debate has taken a very constructive tone. It has been representative of the recognition by all members of the House of the desire on the part of Canadians to plug some of the legislative gaps that exist to address the issue of terrorism head on. I think in fairness that this legislation is an attempt to do just that.

Ideally in every sense we would like to see laser guided precision when we deal with issues such as this, of public security. I hope that my remarks will be indicative of a genuine desire to improve and buttress this legislation in some way.

It is encouraging to see that the government has taken decisive action. Following September 11 there was a public need, a very anxious nervousness that direction and leadership be displayed by the government. After one month this legislation is here. In fairness I believe that it is a good bill. It is a bill that attempts in a broad way in an omnibus form to address some of the holes that are there and which have been exploited by international terrorists.

There are some shortcomings. There is room for improvement. In particular this legislation needs to be given greater detail. The legislation needs to be put under the microscope and the lamp not only by members of parliament but by those who will be affected. As the minister herself indicated in her remarks, this is not the be all and the end all. There is going to be a need for further legislative changes in the areas of immigration, border security, economics and trade and customs and excise. All of these areas have been affected in a

profound way by this horrific event which was the pinnacle, in our generation, of aggression brought to bear in North America. It is a time for measured and introspective action but action nonetheless.

Elements of this legislation that will improve upon our internal security measures include the announcement that police will be able to carry out preventive arrests, that is, arrests of individuals without charge under strong suspicion of activity related to terrorism. There is a subtle but important change in that bar, that standard that is to be applied by CSIS agents which is now afforded to the RCMP. That is to say they can arrest on reasonable suspicion as opposed to reasonable grounds. It is of such importance when dealing with terrorism that police should be afforded that standard.

I would argue there is more that can be done. The issue of preventative arrest is something that is going to cause a lot of jitters and nervousness among the communities. There are safeguards in place which we are quick to acknowledge. The individuals brought to justice must appear before a judge within 24 hours. They can be detained a further 48 hours, bringing it to a total of 72 hours in custody. Yet they must have this appearance before a judge and there must be reasons given. During that time in custody it is good to see it enunciated that they will be able to afford themselves charter rights, that is, right to counsel, right to disclosure, reasons for being held in custody. All of those traditional rights will still apply and those safeguards should apply.

This type of pre-emptive strike on the part of police officers is a response to the seriousness and the grave implications that can flow from terrorist activity.

The use and implementation of investigative hearings is an important step that we find in Bill C-36. The police can take a person into custody and deduce information and question a person with respect to terrorist activity. The person appears before a judge and is required to answer questions. The individual cannot be forced to incriminate himself or herself but may be forced at least to respond to questions about his or her activities.

• (1155)

How compromised would their individual rights be? That remains to be seen. The return to a power that used to exist in Canada and still exists in the United States, for example the process of grand juries, would be an interesting experiment but one upon which we must embark in our efforts to deal with terrorism.

Increasing the powers of the Communications Security Establishment is an important step. Currently the CSE is only allowed to monitor communications outside Canada. Under this legislation CSE would require only the authorization of the Minister of Justice before monitoring discussions between a foreigner and someone in Canada.

With regard to monitoring, Bill C-36 would allow police to obtain one year surveillance warrants for suspected terrorists. While benchmarks and criteria would need to be met, police would have an increased and expanded ability to monitor and conduct surveillance on communications that relate to terrorist activity.

Currently police can perform this type of surveillance for only 60 days. The efforts of the bill to expand that ability are important. It also makes an effort to streamline and expedite the ability to get warrants and wiretaps. The current process is extremely onerous and is an impediment to the ability of police to monitor criminal activity. There is a need to expand this in the general context of police work.

I would have liked the bill to set out a clear definition of terrorism as we have seen in the United Kingdom, however, I commend the government for including a definition of terrorist activity. This was taken from many sources.

I am told there are 190 definitions of terrorism in legislation around the world. Bill C-36 defines terrorist activity as action taken for a political, religious or ideological purpose that threatens the public or national security by killing, seriously harming or endangering a person, causing property damage likely to injure people, or disrupting an essential service or facility.

The definition does not state that terrorist activity does not involve lawful activity such as protests and strikes. There is therefore concern, as has been mentioned by my colleague from Winnipeg—Transcona and others in the debate, that legitimate political protest might fall under a rather broad umbrella.

Bill C-36 is defined in such a way that judges applying common sense criteria would not find that legitimate forms of protest or activities deemed counter to the government would fall under this ambit. However, even before this legislation came into being there was a politicized element to protests such as those we witnessed in Quebec City.

When students in bandanas and ripped jeans who carry signs are cracked down on by police in a violent and forceful way it causes concern, almost paranoia, in the minds of many. We must be cognizant of that. We must also be cognizant, as was mentioned by the Alliance critic, of the political interference or politicization of RCMP and security measures. We know that the Prime Minister's surrogate son, Jean Carle, involved himself far too heavily in police activity in Vancouver.

That was a serious concern. It was examined by a judge, Judge Hughes, who came out with strong recommendations and repudiations regarding the RCMP. We cannot ignore such politicization. As was suggested, it calls for a greater firewall between the solicitor general and the commissioner of the RCMP to prevent the guiding hand of the PMO from playing a role in the way security is carried out. Governments sometimes have a vested interest in suppressing that type of activity, as we have seen at the APEC inquiry.

● (1200)

I would support a list of terrorist organizations and individuals being put together on the recommendation of the solicitor general and an order in council. This would be a legitimate attempt to identify those who have participated in fundraising or any activity that could be connected to terrorism.

Having a list available to be shared among security services would be an important step toward controlling and, it is hoped, preventing action on the part of those enumerated. It would allow for legislative tracking. It would allow for cross-references with various organizations including CSIS, the Department of Citizenship and Immigra-

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tion, Interpol and other international partners in our security services attempts to curtail terrorist activities.

There would be safeguards. Groups that appear on the list could appeal. They could appeal to the solicitor general and the list would be reviewed every two years.

The more substantive measures in the bill entail changes to the criminal code and the creation of new offences. The criminal code offences would deal with instructing or soliciting support for a person to carry out a terrorist act. Maximum penalties of life imprisonment would be attached to such activity.

This is all being done against the backdrop of the horrific events that occurred in the United States on September 11 in various locations including New York City and Washington. With such life altering and life taking implications these criminal code offences take on a poignant meaning. Knowingly facilitating the activities of a terrorist group would be punishable by 14 years. Harboring a terrorist would be punishable by 10 years. Fundraising for or participating in a terrorist group would be punishable by 10 years.

There will be heated debate over the practical implications of Bill C-36. Further definition of what it means to participate may be required. However let us keep it in the proper context. The legislation does not go as far as that of the United Kingdom where even passive support for a terrorist organization can result in criminal charges.

Bill C-36 would allow for and encourage the freezing and seizing of assets of terrorists and their supporters. That is a welcome and necessary step. As has been noted numerous times, assets are the lifeblood that keeps terrorist organizations alive.

We know they are here in Canada. CSIS has produced a list that clearly identifies 50 terrorist cells operating in the country and 350 individuals who are involved in the cells. They are here and they are active. Cutting off their lifeblood of financial assets and resources is one important step in eventually eliminating, curtailing and capturing those who engage in terrorism.

Introducing consecutive sentences is a welcome step but it does not address another shortcoming in the criminal code: the anomaly that allows mass murderers to avail themselves of early release. Through provisions of the criminal code they can avail themselves of statutory release. This is one of the ridiculous anomalies that exist in our criminal code.

Bill C-36 would change sentencing provisions to make terrorists ineligible for release until they have served half their sentences, but they could still avail themselves of early release provisions that exist under the National Parole Act and the Corrections and Conditional Release Act. There will be further discussion and examination of this at the committee.

Someone who exhibits such a blatant lack of respect for human life is unlikely to avail themselves of rehabilitation. For that reason I am encouraged by the harsh sentences outlined in Bill C-36. However the parole eligibility may lessen and blunt the instrument of justice in this regard. At the very least there must be a clear and unequivocal statement of denunciation when it comes to terrorist activity.

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● (1205)

Some of the anticipated fallout or backlash against Bill C-36 from groups concerned about civil liberties is addressed in the substance of the bill. It calls for the strengthening of laws against hate crimes by punishing the destruction of churches or mosques with sentences of up to 10 years. It would also take steps to make it easier to remove hate propaganda from the Internet.

Concerns have been raised about this by Internet service providers, particularly smaller ones who make legitimate efforts to monitor their systems. In many instances service providers do not have the capability or resources to fully complete that task yet they are good corporate citizens. They are concerned that criminal liability will attach to them because they are providers or facilitators of the communication of hate propaganda.

Nonetheless I endorse the attempt to dissuade anyone from facilitating, aiding or abetting the distribution of hate propaganda. In this heated and extremely troubling time there has been a backlash against certain communities. It is encouraging that the legislation includes provisions to prevent people from lashing out at religious organizations and followers of the Muslim faith who are often the antithesis of those who engage in violence or terrorist activity.

The bill's amendments regarding the Official Secrets Act are meant to counter espionage by taking into account new computer technologies and the need to fight intelligence gathering activities by foreign powers and terrorist groups. This is a recognition that the means of communication have changed substantially. We need to update ourselves and use new methodologies to monitor new forms of communication. That is what Bill C-36 would allow the law enforcement community to do.

The bill would also amend the Canada Evidence Act to protect information obtained by foreign intelligence agencies when used in Canadian courts. It would amend the Firearms Act to allow air marshals, mainly from the United States, to fly into Canada. These amendments are a clear common sense recognition that the world we live in has changed substantially and that we need to accommodate changes that have taken place in countries like the United States.

I encourage all members to support these provisions. Members of the coalition will be reviewing Bill C-36 at the committee level and supporting the majority of them. The bill's provisions would allow police, CSIS and others that provide security to develop a more effective methodology for combating terrorism.

My greatest concern, which has been expressed numerous times, is about the resource allocation that would be required to implement these changes. The bill's provisions for new powers of arrest, investigative techniques, investigative hearings and use of warrants would all require additional resources and training.

The Minister of Justice and Attorney General of Canada has referred to \$250 million in new resources. When that is spread out over time and we allow for the bureaucratic assistance that goes with law enforcement, the actual impact on person power and frontline policing will be fairly minimal when one considers the task. We will be pressing the government for more specifics in that regard.

There are concerns about the bill's powers of arrest and detention. Those matters will be pressed at the committee level and further meat will be put on the bones with respect to details. If the legislation is enacted it will be up for review in three years. A sunset clause of greater duration may be necessary.

● (1210)

The Progressive Conservative/Democratic Representative coalition will be supporting the legislation in its first instance while looking for improvements at the committee level and providing an indepth examination. I look forward to that process taking place, as do all Canadians, and the speedy passage of Bill C-36 into law.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, earlier I put a question to the member for Winnipeg—Transcona and I do not think I expressed it very well so I would like to try it again.

Subsection 83.01(b) defines terrorist activity. It clearly and explicitly would include the kind of violent protest that we saw in Quebec City, the throwing of Molotov cocktails there, as well as whenever leaders from across the world meet at World Trade Organization conferences and there are attacks on police and barriers with the use of violence.

Does the hon. member feel that parliament should endorse this as a definition of terrorist activity in the ambit of this legislation? Is this something we want the bill to catch?

Mr. Peter MacKay: Mr. Speaker, I know my learned colleague has a longstanding interest in human rights and protecting the public when it comes to access to information. Yes, I believe this legislation would very much envelope acts of violence and where the requisite mental element exists for actions that are intended to clearly put people's lives in danger.

The government in its wisdom has brought forward a bill that is sufficiently broad to include that activity. Whether it is someone from another country perpetrating an act of violence of the magnitude that we saw on September 11, or whether it is an individual who purposely prepares a weapon or a bomb or engages in a dangerous act, that in my view is terrorism. It is a threat to public security and it has to be dealt with in the harshest and most just but swiftest fashion. I agree that this definition would encompass that type of activity.

● (1215)

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, toward the end of his remarks my hon. colleague made reference to a sunset clause. Would the hon. member echo the remarks that were made by the hon. member for Winnipeg—Transcona with regard to the value of having a sunset clause which would require a re-enactment or a review of the law at the end of a set period so that any problems that occurred and any excessive measures that may have been included could be rectified at that time?

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Mr. Peter MacKay: Mr. Speaker, I agree that a legislative sunset clause, particularly for these provisions, many of which arguably infringe on the area of human rights and freedoms, mobility and protection from police powers, should be re-examined and put through the rigours of a re-examination in four to five years or basically the life of this government.

As demonstrated by the events of September 11, things changed dramatically. They changed for the worst on that date. That is not to say that they could not improve in the future with some hope and optimism. To that end, if we are living in a safer, gentler world in years to come there may be a need to pull back some of these provisions. That is not the case now with this heightened sense of awareness of terrorism.

There should be a sunset clause, particularly for some of these provisions. I hope we will have an opportunity to examine that issue in committee. I suspect that there is some willingness and some openness on the part of the government to do just that.

Ms. Val Meredith (South Surrey—White Rock—Langley, PC/DR): Mr. Speaker, if in the event there is a sunset clause or even a review of this piece of legislation, does my hon. colleague feel that there is an adequate provision in the committee structure to deal with this issue?

Should there be a change in the committee structure? Should there be a committee dealing with national security or some measure for reviewing the legislation? Does my hon. colleague feel that there is a committee process in place that can do justice to a review of this piece of legislation?

Mr. Peter MacKay: Mr. Speaker, I agree that currently our committee process is somewhat flawed and there is a need to re-examine it. In the short term we will not be able to reconstruct our committees in a way that will address the concerns my colleague raised.

However, we are dealing with a very specific legislative response to a terrorist act and there is a need to fill legislative gaps. The committee structure could have been expanded to envelope some of the more critical elements of terrorism including immigration and the concerns around border security. All these issues unfortunately will not be touched upon in the current legislation but I suspect there will be future legislation.

I am concerned about public knowledge of the bill. It is not currently available on the Internet. The information commissioner does not have a copy. I am sure my friend opposite would share those concerns. Members of the public will have to be given a certain amount of information so that they may digest the impact of the bill, both good and bad. Committees do not always allow for that to happen.

Committees will be televised in this instance which will provide Canadians with a greater opportunity to see the details of the legislation. We will have to re-examine how these committees work in the future because they have been abused by the government. They have been controlled to a far larger extent than they should be.

Individual members, both on the government and the opposition sides, should be encouraged. A lot of talent is being overlooked and ignored as a result of the way the current committee structure works.

● (1220)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I was most interested in the remarks of the member for Pictou—Antigonish—Guysborough. There are many themes throughout the speeches we have been hearing, starting with the member from the Canadian Alliance, the member from the Bloc and the member from the NDP.

One of the themes that keeps coming up is the possible fear that even if the bill is being put forward with the best of intentions of the Minister of Justice, some of the powers afforded the police or the authorities within the bill could go beyond the original planned purpose and could be exercised with a force greater than anyone would have contemplated in the Chamber, to the detriment of peaceful protesters.

It may go beyond and be used in a way to undermine what we as Canadians have always viewed as peaceful, lawful protests. Would the hon. member care to expand on the possibility of that happening with Bill C-36?

Mr. Peter MacKay: Mr. Speaker, I have said that the bill in its proper interpretation will not tread into the area of civil disobedience of a peaceful nature and legitimate protests against government activity. I was concerned even prior to the legislation that there is opportunity for political interference. We saw that at APEC. It was clearly identified.

The legislation is aimed more at specific acts of violence meant to disrupt legitimate government activity. There has to be a degree of accountability for it to work. We will have an opportunity to hear from groups that will be affected.

I do not believe it is ever legitimate for college students who are engaged in a peaceful demonstration of sorts to be subjected to violence themselves. Violence will not solve any problem in this instance. However, when an individual goes out and deliberately engages in dangerous acts such as throwing a firebomb or carrying a weapon, that type of activity should be and is covered by the legislation. I am hoping it will be implemented in a reasonable fashion.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I will be splitting my time with the member for Parkdale—High Park. I want to begin by saying that I echo the comments made by my colleague opposite. I believe that the time for tolerance of violent protest is at an end because violent protest is a type of terrorist activity. It is designed to intimidate and to disrupt the democratic process. However, I would stress in the same context that we would not want the legislation to interfere with rightful dissent and peaceful protest and I do not believe it does.

I would also like to echo the idea of a sunset clause. What is contained in the legislation is so profound, so important and so contrary to the way Canadians would like to see themselves and yet so terribly necessary in the context of international terrorist threats. I hope the government will seriously consider, instead of a statutory review, a sunset clause perhaps after five years, not counting an election year.

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The reality is that a committee will never examine the issues contained in the legislation in the kind of depth that parliament should examine it. I hope the government will seriously consider that prospect.

The government may have to separate out from the legislation as a consequence the clauses dealing with the statutory creation of the Communications Security Establishment, and rightly so, because the Communications Security Establishment is a very important institution that pertains to national security and is little known and understood in this country. It ought to be subject to a separate debate in the House. That is something that I would like the government to consider.

More important, something that concerns me very specifically, and I sound the alarm, is clause 87 which would change the Access to Information Act. There are other clauses such as clause 103 and clause 104 which would change the Personal Information Protection and Electronic Documents Act and the Privacy Act. These clauses give the Attorney General of Canada the right to issue certificates that prohibit the disclosure of information pertaining to international relations, national defence or security.

We can see the rationale for that. There is certain information in times of crisis that one would want to protect, but the trouble with clause 87 is that it makes an exclusion instead of an exemption from the Access to Information Act. The clauses amend section 69 of the Access to Information Act by adding a further section, section 69.1.

Section 69 of the Access to Information Act excludes cabinet confidences. It provides for the release of cabinet documents after 20 years. By adding section 69.1 after section 69 there is no 20 year release date.

In other words, what happens is that the Attorney General of Canada would be able to exclude information from public view forever with no review, no outside ombudsman or court. No one can see what it is doing. One might argue that since this pertains to international relations and national defence there could be a case made that there are secrets in those two areas that should be kept indefinitely, however not security.

Section 87 enables the government to withhold information pertaining to security issues forever. Mr. Speaker, that is terribly dangerous. That is the excuse that has been used by dictatorships throughout history and around the world. We are talking about police information being withheld forever.

●(1225)

Mr. Speaker, we cannot have that. I hope the government will seriously reconsider what it is doing by this particular clause 87 and the ones relating to the other two pieces of legislation. This cannot be. I am sure it is an oversight on the part of the government.

I point out, Mr. Speaker, that the Access to Information Act does provide exemptions for security issues and for international relations. An exemption enables a review by the access to information commissioner and by a federal court, which in the interests of democracy I think is a much better situation, but the Access to Information Act is still flawed because these exemptions also withhold information indefinitely. At least there is a review by the

courts, but nevertheless, the information can be held under the current legislation indefinitely.

One change I would like to see to the Access to Information Act, which could be put in this legislation, would be that security information, international relations information, defence information, should have some automatic release review, a timeline of, say, 30 years or even 50 years. The point is that when we are dealing with the need for government to act in secret, certainly in the public interest when it is acting in secret, we must make sure in a democracy that there is a time for disclosure. Under the current Access to Information Act with an exemption there is no time for disclosure.

This legislation makes the situation even worse because an exclusion makes it impossible for any kind of oversight or review. So, Mr. Speaker, I do hope the government will review its position on that.

There are other areas of the legislation that interest me that I would like to see a little bit more on, such as requiring charities and non-profit organizations to be financially transparent. It is one thing to put up penalties for fundraising for terrorism, but we have to have the mechanisms to see actually how funds are moving. We can see it in a casino. There are mechanisms to track how casinos use money. We cannot see how money is used in charities and especially non-profit organizations.

Mr. Speaker, charities have to send in a financial information return to Revenue Canada, which is a very incomplete document and anyone can fill it out, but at least it is some kind of information for the public, but when a non-profit organization sends its financial information return to Revenue Canada, it is not a public document. Consequently, there is no transparency whatsoever for a non-profit organization.

The difficulty with this legislation is while it has provisions for lifting the charity registration status, a charity that is raising money for abusive purposes, not just terrorist activity but for laundering money or for organized crime, can just move on to become a non-profit organization and have a higher level of secrecy.

So these are some things that I think should be reviewed by the government.

I also point out, just to go the full circle, the legislation would appear to capture the special interest groups that promote violent activity, like some of the animal rights organizations. I think we will probably hear from them in the course of this debate.

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● (1230)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I rise today in support of the government's anti-terrorism plan as outlined in Bill C-36, the new anti-terrorism act. The main purpose of the bill is to give us better tools to address and better protect ourselves from terrorism.

As the Minister of Justice noted this morning in the House of Commons, the new legislation contains the following measures: first, measures to identify, prosecute, convict and punish terrorists; second, measures to provide new investigative tools to allow enforcement in national security agencies to better undertake their work; and third, measures to ensure that Canadian values of respect and fairness are preserved and the root causes of hatred are addressed through stronger laws against hate crimes and propaganda. It is these last measures I wish to address today.

Since the apocalyptic events of September 11 the Government of Canada has been firm in its resolve to stand by the values of tolerance, respect and equality. I would like to take this opportunity to remind members of what the Prime Minister said in the House on September 17. He said "Today more than ever we must affirm the fundamental values of every race, every colour, every religion and every ethnic origin". The Prime Minister also noted on that day that we will not give into temptation in a rush to increase security, to undermine the values that we cherish and which have made Canada a beacon of hope, freedom and tolerance to the world.

It is important to remember that our plan to fight the rise of terrorism in the world must include action to fight against the rise of intolerance in our midst. Expressions of hate have no place in Canadian society. They undermine the very fundamental values of respect, equality and security and cause damage to a multicultural, tolerant and law-abiding society.

Last night the Prime Minister reminded us once again that Canada is a land of immigrants, a place where people from almost every nation and faith on earth have come to find freedom, respect, harmony and a brighter future. Therefore as part of its anti-terrorism act the Government of Canada is proposing changes that address the root causes of hatred, reaffirm Canadian values and ensure that Canada's renowned respect for justice and diversity is reinforced.

These measures would include the following: first, amendments to the criminal code that would allow the courts to order the deletion of publicly available hate propaganda from computer systems; second, amendments to the criminal code which would create a new offence of mischief motivated by bias, prejudice or hate committed against a place of religious worship or associated religious property; and third, amendments to be made to the Canadian Human Rights Act to extend the prohibition against hate messages beyond telephone messages to include all communications technologies. I will continue to elaborate on these measures.

It is important to remember that Canada, along with other like-minded countries, has embarked upon a war against terrorists and terrorism. Unfortunately, because recent acts of terrorism are associated with people of a certain faith, some regrettably and wrongfully view it as a religious war. Osama bin Laden himself, in his pre-taped message the day after the United States attacks, actually called upon the Muslim world. He is the one who is inciting

that hatred. More unfortunately, here in Canada some Canadians of Muslim faith have been made the targets of the anger Canadians are feeling against those whom they feel are responsible.

At the same time as we take measures to protect ourselves from terrorist activities, we want to ensure that Canadians of any origin do not become a target for hatred. We want to make sure that everyone in the country in all circumstances will continue to enjoy the rights guaranteed by the Canadian Charter of Rights and Freedoms. In this context the right to freedom of religion guaranteed by section 2(a) of the charter takes on particular importance. The criminal code already protects any group distinguished by colour, race, religion or ethnic origin from statements of hatred directed against them.

● (1235)

In fact, it is an aggravating factor for sentencing purposes when an offence is motivated by hatred. The Canadian Human Rights Act already protects any person from repeat communications by means of telecommunications of any matter that is likely to expose that person to hatred or contempt by reason of this person being identified on the basis of a prohibited ground of discrimination.

I previously noted that the bill includes additional measures to better protect from hatred those who have become vulnerable because they belong to a group distinguished by factors such as race, religion or ethnic origin. The bill would create the offence of mischief motivated by hatred in relation to places of religious worship or objects associated with religious worship found in such a place.

The harm done by a mischief against a religious property goes far beyond the physical damage to the property. The greatest harm comes from the message of hatred that is conveyed by the mischief. Such mischief would create fear among worshippers of a specific religion and divert them from the practise of their religion. It is because we recognize these far reaching implications that we want to create an offence of mischief that is related to the purpose of the property damage, regardless of the value of that property.

The offence of mischief in relation to religious property would be a very serious offence. It would be subject to a maximum penalty of 10 years when prosecuted on indictment or 18 months when prosecuted on summary conviction.

In addition, the government is proposing two provisions that respond to the fact that the Internet is now an easily available and efficient means of communication of hatred. The Canadian Human Rights Act would be amended to clarify that communicating by computer hate messages against a person identifiable on the basis of a prohibited ground of discrimination is a discriminatory practice. In addition to any other penalty, persons found responsible for these messages could be required to cease and desist from this practice.

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The criminal code would be amended to authorize the court to order deletion of publicly available online hate propaganda when it is stored on a server that is within the jurisdiction of the court. This procedure is independent from prosecution. It would allow the material to be deleted in cases where the person who posted it is unknown or is outside the country. The person who posted the material would be given an opportunity to be heard before the judge would decide to order deletion of the material.

The criminal code already provides for the seizure and forfeiture of copies held for sale or distribution of any publication found by the court to be hate propaganda. This procedure would parallel in the cyberworld a procedure that is available in the material world.

Protecting minorities from discrimination and hatred is a value that is well established in Canadian law. For more than 30 years the criminal code has protected from hatred identifiable groups, which are defined as any group distinguished by colour, race, religion or ethnic origin. The communication of statements in a public place inciting hatred against an identifiable group is an offence when it is likely to lead to a breach of the peace. The communication of statements other than in private conversations that wilfully promote hatred against an identifiable group is also an offence. Advocating or promoting genocide, whether in public or in private, is an offence.

More recently we have made it an aggravating factor for sentencing purposes when there is evidence that the commission of an offence is motivated by bias, prejudice or hate based on factors such as race, national or ethnic origin, language, colour or religion.

For almost 20 years the Canadian Charter of Rights and Freedoms has protected our fundamental liberties and provided for equal protection and equal benefit of the law without discrimination based on factors including race, national or ethnic origin, colour or religion.

The Canadian Human Rights Act, which applies to the private sector under federal jurisdiction, prohibits discrimination based on factors that include race, national or ethnic origin or religion.

Finally, it is important that we have the legislative means to defend ourselves against terrorists, but it is also equally important that we do that without discriminating against Canadians of minority religion or ethnic origin.

• (1240)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, I rise today to participate in the debate on Bill C-36. As I mentioned in the House a number of weeks ago, this debate should have taken place months ago. Although we commend the government for bringing the legislation forward to parliament, we wonder why the government waited such a long time and why it took such an alarming wake up call to mobilize the government into bringing forth these necessary legislative initiatives to immediately ensure the security and safety of Canadians and of our nation, Canada.

On that note I quote an article appearing in yesterday's *Toronto Star* by James Travers. He said:

As the federal government begins to tear down walls protecting terrorists operating in Canada, it has some dirty little secrets of its own to hide. For years, the Prime Minister's cabinet has been receiving increasingly worrisome reports that this

country is a prime and easy target...The evidence is overwhelming that the federal Liberals knew a lot and did very little. In confidential yearly cabinet briefings, in dozens of documents sent to specific government departments and even in some public statements, the Canadian Security Intelligence Service (CSIS) repeatedly warned that Canada, along with the U.S. is among the world's pre-eminent terrorist targets. Those threats were documented in CSIS reports that government sources say became noticeably more specific—and frightening—after 1996. Following a surge in refugees, the intelligence agency identified a lengthening list of organizations and 350 individuals active here...In fact, the federal government should have recognized the threat to this country as far back as June 23, 1985, when Air India Flight 182 was bombed killing 329 passengers and crew. Until the attacks on New York and Washington, that was the most deadly terrorist attack in modern Western history. Now the federal government is desperately trying to respond by bringing forward legislation and introducing security measures that for years have been relegated to the bottom of the agenda. It clearly hopes that the current flurry of activity will somehow mask years of inaction.

On September 18 during our supply day the Canadian Alliance called upon the Liberal government to bring forward anti-terrorist legislation. Within that legislation we asked that there be a provision for the naming of all known international terrorist organizations operating in Canada.

At first glance it would appear that Bill C-36 falls short of that recommendation. Subclause 83.05(1) provides for the establishment of a list on which:

—the Governor in Council may place any entity if, on the recommendation of the Solicitor General, the Governor in Council is satisfied that there are reasonable grounds to believe that (a) the entity has carried out, attempted to carry out, participated in or facilitated a terrorist activity; or (b) the entity is acting on behalf of, at the direction of or in association with an entity referred to in paragraph (a).

I do not see anywhere in the legislation authorization for the publication of that list unless I am missing something in the bill, although under subclause 83.05(7) there is authorization for the solicitor general to publish in *The Canada Gazette* notice of any person no longer a listed entity.

Publication of the names of those who are known terrorists or who have terrorist connections would effectively warn lending institutions and others not to do business with those individuals or groups.

I also point out the use of the word may as opposed to the word shall in subsection 83.05(1).

• (1245)

Without the word shall effectively there is no obligation for the establishment of a list. Bill C-36 provides discretionary power to the governor in council to set up a list. Furthermore, under clause 83.05 there is to be a review of the list two years after the establishment and every two years thereafter to listen and to determine whether there are still reasonable grounds for an entity to be listed.

Why is the government contemplating delisting a terrorist who, according to the definition carried out, attempted to carry out, participated in or facilitated a terrorism activity? Why has the government suggested the absurd notion that criminal records should not follow a person through life?

In criminal law now we can have a pardon after a number of years. After perhaps five years a person can apply for a pardon, but a terrorist could be delisted after two years after carrying out such atrocious acts.

Bill C-36 makes participating in, facilitating, instructing and harbouring terrorist groups an indictable offence for which a person is liable to imprisonment for variable maximum terms.

Although I fully support and commend the government for finally proscribing these activities, as it is obligated to do under the UN convention, I would hope it is receptive to amending this section of Bill C-36 to provide for minimum sentences.

Without a prescribed minimum sentence a person arrested and convicted for knowingly facilitating a terrorist activity could receive a conditional sentence. Clearly the magnitude of any and all forms of terrorist activity warrants a stiff period of incarceration.

With regard to sentencing I would also hope the government is willing to amend clause 83.26 of Bill C-36 to allow for consecutive life sentences. It is absolutely abhorrent to think that a person convicted of a terrorist act in which there were multiple deaths is eligible for parole after 15 years because the Liberal government has repeatedly failed to eliminate section 745 of the criminal code which unjustifiably grants killers a chance at early release.

Again at first glance there appear to be no provisions within Bill C-36 allowing for the deportation of alien terrorists. The United States anti-terrorist legislation, which I would like to point out was introduced within eight days of the September 11 attack on America, makes membership in terrorist organizations reason for exclusion from that country. Furthermore, it permits the deportation of aliens if sentenced to more than five years in prison. I would highly recommend that the Canadian government follow suit. In the next couple of weeks as Bill C-36 is moved through committee and as we take a look at it in greater depth, I am sure other omissions will become apparent.

Before closing, I encourage the Minister of Justice to stand firm in her resolve to balance the rights of Canadians with their security. I know in the next week the Canadian Bar Association and others may challenge Bill C-36 as going too far and unnecessarily restricting civil liberties. However, the time has come when we must determine whether or not the right of many to be safe and secure justifies an infringement of some basic individual rights and freedoms.

A poll conducted between October 2 and 4 by the *Globe and Mail*, CTV and Ipsos-Reid revealed that 80% of those surveyed were willing to surrender some freedom in exchange for tighter security. A high percentage of respondents would support submitting themselves to providing fingerprints for a national identity card which they would be required to carry at all times and show on request to police or security officials. Fewer, but still a majority, would support letting police stop them at random and search their vehicles without reasonable suspicion that they had committed an offence.

● (1250)

Far too often the courts are making new laws in their rulings. Judges are substituting their judgments over the elected representatives of the people and of parliament. According to university Professor Jane Hiebert:

Since the Charter's introduction the judiciary has passed judgment on the constitutionality of a breathtakingly broad range of political and social issues from the testing of cruise missiles in Canadian airspace to euthanasia...Effectively, the Charter offers a convenient refuge for politicians to avoid or delay difficult political and moral decisions. Elected representatives can insulate themselves from criticism,

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and political parties can avoid risking party cohesion by ignoring controversial issues—

I urge the minister not to abdicate her responsibility by clearly articulating within this legislation the intent of parliament to effectively balance liberty against greater security. I will be splitting my time with the hon. member for Kelowna.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I thank my colleague for splitting his time. It makes it possible for me to speak earlier in the day rather than later.

I think the government is taking the right step by moving in the direction of introducing Bill C-36. However, as my colleague asked so clearly, why did it take so long? I also recognize that the bill was probably put together very quickly on very short notice. Apparently people seemed to think there was no need to do anything like this.

Now we have legislation that is omnibus in nature and covers a variety of other acts that are to be amended by this bill. Perhaps some of the safeguards that need to be included in the bill have not been thought of or have not been adequately dealt with. I will focus on a couple of them.

I refer to a particular phrase that the hon. minister stated in her address to the House earlier this day. It had to do with dealing with the root causes of hatred. Perhaps the issue here is not so much hatred as it is fear.

What happens in terrorist operations is that terrorists use fear as their weapon. It is one thing to destroy property or to destroy human lives, but hatred is a motivator, as I think we all know and have experienced. It gets the adrenaline flowing.

In the game of hockey adrenaline can really run high. People do not really hate the opposition, but by golly they sure get boiled up every once in a while and sometimes perhaps there is an element of that. When a player can strike fear into and intimidate the opposite team member, the team member will avoid the other player. Damage does not have to be done because the fear is debilitating.

What is happening in our country right now is that we are not acting as perhaps we ought to do. The threat of terrorists is to intimidate to the point where it incapacitates the individual. That is a much more subtle effect than simply destroying someone, because it affects everyone.

It is one thing to take down two towers in the centre of New York City. It had a terrible effect. We feel very sympathetic to the families involved. However it is affecting all of us. It is affecting our celebrations.

On Saturday I was at a wedding ceremony where candles had been ordered to be part of the table setting. They were delayed and got there an hour before the reception was to take place. Why? They had been ordered six months ago. They had been held up because of the September 11 events in New York City.

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Every one of us is affected. It does not bother some a great deal, but others are fearful. There are people, for example, today who refuse to get on an airline because of the fear of what will happen to them and whether it is safe to travel. That is the fear I am talking about. That is the effect it has on our economy. I suggest we really look at the effectiveness of terrorist acts at striking fear into the hearts of individuals, rendering them almost incapacitated.

I will move on to another point. The definition of a terrorist act causes me some concern. I do not think I have time to read everything, but I will refer to the overall section referring to an act that is committed:

—in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government, or a domestic or an international organization to do or to refrain from doing any act, whether the person, government or organization is inside or outside Canada...and that is intended...to cause death... and that is intended to cause serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of lawful advocacy, protest, dissent or stoppage of work that does not involve an activity that is intended to result in the conduct or harm referred to in any of the clauses.

• (1255)

The hon. minister took great pains this morning to emphasize this, so I would like to ask the members as well as the committee members who will meet to discuss the bill to consider the example of what happened in Vancouver when the transit system was incapacitated by a strike for more than six months. It was not the express intention of the union or the group of people that brought about the strike to cause severe difficulty, but the strike did so and it was not unknown that it did.

If the intention is the issue but the result is immaterial, I think that to separate them is perhaps misleading. Not only must we intend to do something bad, but if we do something bad whether we intended to or not the act itself becomes a bad one. It is not that this is not what should be done in the act. The caveat here, what ought to be so strong, is that it does not mislead the public and allow certain freedoms to be exercised at the expense of others.

On the balance side of this position is the intrusion, if you will, by the power of the state through its police officers and other peace officers to, on the suspicion or belief that a terrorist act is about to be committed, charge and detain someone without particular evidence in place, to simply put someone aside because it is believed that person will be doing something such as intimidating people or destroying property. In some cases it would be correct and I think the police should have that power, but there ought to be clear safeguards as to what kinds of things would support that belief that someone might engage in such activities.

There are some things in the bill that ought to be fixed. I do not want the minister to go away from this thinking we are totally opposed to the bill. We are not and I certainly am not, but we ought to be very careful about civil liberties and at the same time not open the door to certain other opportunities that might cause us other difficulties.

With the time I have left, I would like to make one more point with regard to the operation of CIDA. This morning a column in the *National Post* written by Diane Francis makes a very interesting

case. She asks the question: Should CIDA, a taxpayer funded organization, support organizations like Minga, which is operating in Colombia?

It is not quite clear. I certainly do not know the details of what is going on there, but the implication of this column is that it is not clear whether Minga is aiding and abetting the operation or the function of three groups: the National Liberation Army, the Revolutionary Armed Force of Colombia or the United Self-Defence Forces of Colombia.

If Minga is in fact doing that, then it actually is in collaboration with organizations that have been put on the list of terrorist organizations by the United States of America. If she is right we ought to take a very careful and serious look at it. I know the bill suggests that we should not fund any terrorist organizations and I am sure the Government of Canada would never think of doing that, but it could be that unless there is a clear and careful audit of how moneys like those from CIDA, for example, are spent and applied such moneys might find their way into organizations such as these.

I really would ask this question and I would ask the minister to ask the Minister of Finance and the minister in charge of CIDA to look at where the money is going, how it is being applied and whether it in fact finds its way indirectly to terrorist organizations.

With that, I would like to suggest that the committee look very carefully at this legislation and that we in parliament support the principle of the legislation, surely, but let us look at the details in such a way as to look after our civil liberties and deal with the real issues.

• (1300)

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, I will be dividing my time with the member for London—Fanshawe.

I am pleased to speak about our national response, as embodied in the bill, to the events of September 11. In particular I want to talk about parts 1 through 5 as presented in Bill C-36 because I think Canadians expected, wanted and are supporting a toughening, a codification or a creation of a number of new offences that come as a result of a closer examination of terrorist activity in the world. The world is becoming a much more sophisticated place and the means of creating terrorism and chaos in our society, as we have seen, is happening in new and previously unimagined ways.

From that perspective I think Canadians would support us on parts 1 to 5 and at the same time would expect us to move in tandem with other countries, particularly the G-8 and under the banner of the United Nations, which collectively are moving to eradicate those who would create chaos and who in fact are terrorists.

I would refer to four objectives of the bill, particularly in parts 1 through 5, the criminal provisions of the bill. Those objectives include stopping terrorists from getting into Canada and protecting Canadians from terrorist acts. One is a corollary of the other. Of course to do that police and other security forces need the tools to identify, to prosecute and above all to punish those who would commit these acts.

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The third objective would be to prevent the Canada-U.S. border from being held hostage by terrorists and impacting on the Canadian economy. As someone who represents a border community, I can say that what occurred on September 11 has had a very direct impact, and not only on our regional, provincial and national economies, but it has had a very tangible result in terms of lines at the border in both directions, outbound and inbound.

Of course the fourth objective is to work with the international community to bring terrorists to justice and, most important, to address the root causes of such hatred and venom as expressed by these people.

I think there is great support from the Canadian public for the bill, which would define and designate the terrorist groups and their activities. We would make it an offence to knowingly participate or facilitate the activities of terrorist groups. We would make it an offence to knowingly harbour or hide terrorists. We would create tougher sentences for terrorist offences and tougher parole provisions for terrorists.

Cutting off financial support and making that a criminal offence is a very important part of this. Of course as I said at the outset, moving in tandem with other UN signatories to certain provisions and conventions is very important. It is very important that it not be a unilateral action on the part of Canada but in fact a collective action of many countries.

Once again I will say that I think the public knows and expects that we have to make it easier in certain very specific conditions for authorities, those being police forces, the local forces or RCMP or CSIS or whatever, to collect the kind of evidence that is necessary. It is necessary to have electronic surveillance. It is necessary in certain very limited cases to compel disclosure of information that may be held by people. It is also necessary to amend the Canada Evidence Act so that we can collect information and not disclose it in a public forum that would be detrimental to the country.

● (1305)

Canadians are fully supportive of all of those provisions. I also think the bill contains an excellent provision, the three year review provision, because we are caught in the middle of a whole series of events which assume a particular state of mind both nationally and internationally. We do not know the nature, the extent or the duration of this matter, so we have enacted laws which are fitting and proper under the current circumstances. At the same time the three year review allows us to consider the effect of these laws and the conditions in three years' time so that we may determine then whether these laws are enough, too much or not enough. It is very important that laws be considered in a timeframe, both current and short term, but not entrenched forever. In that respect I know that Canadians are quite supportive of this, that they expect it and support it.

What I would now like to talk about is what is referred to as part 6 of the bill because we have heard a great deal of talk about balancing rights, a lot of talk about the charter and a lot of talk about rules of natural justice. I want to point out that part 6 is not about criminal law but civil law. It is about, in this international year of the volunteer, those people who have another element to them, that is, they wish to help others, whether in this country or in other

countries. It is about the provision of charitable acts by people in this country to those both in and out of this country. Let us be clear about part 6. It is not about criminal law. It is about civil law and it is about charities.

We have heard a great deal of talk about the rules of natural justice, one of which is this one: Who is my accuser, who is making an accusation against me, what is being said specifically against me and do I have the right to question and to meet that person making the accusation? I point out to members present that part 6 was before the House prior to the summer recess. At that time it was called Bill C-16. It was referred to a committee of the House after first reading. I would point out, far be it from me to say, that it was widely rejected by that committee. It was not a question of one party rejecting it. It was a question of everyone on that committee being disturbed by it.

Some excellent points were made before that committee in terms of what part 6 is about, so as the bill proceeds from the House to the justice committee I would invite the committee to revisit what was said about part 6. All Canadians will support parts 1 to 5, but I think part 6 has some disturbing elements, the principal point being that when one examines that provision one sees that nobody would know who is making the accusation, what specifically is being said or in fact who is saying it. It would be fed through the sieve called CSIS, which would then provide a summary of perhaps what was said, or more properly, of what the allegations were, but little or no detail.

This would have dire consequences for those people in this country with a long tradition of helping others, and this is international year of the volunteer. Part 6 does not meet that fundamental rule of the rules of natural justice, that is, who is making the accusation, what is being said and do I have the right to meet that person and question them?

Finally, I would also point out that part 6 of this law imposes an absolute liability on a charity.

● (1310)

It has nothing to do with anyone's intention. One can imagine some very innocent occurrences where people believe they are doing the right thing when in fact, through misfortune or lack of attention, the money is diverted to somebody who has less than honourable intentions quite innocently by those paying it. Effectively, the result under part 6 would be the end of that charitable cause. That is unfortunate.

When the bill goes to committee, I would ask that the members pay very close attention to part 6 and all the provisions thereof.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, as my hon. friend opposite is a lawyer, does he think there is anything in the bill which would tarnish our bill of rights? Is it possible that the individual rights of society could supersede the safety and protection of the entire nation?

I am really concerned about the latter. Do our individual rights exceed the security of our nation as a whole?

Mr. Roger Gallaway: Mr. Speaker, in many respects we are moving into uncharted waters. These are exceptional times. Certainly the objective of the bill is the security and safety of our country and of individuals therein.

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The member will know that there are portions of the bill which in another time were never contemplated because it was deemed there was never any need for such types of laws. In terms of the criminal law, the events of September 11 have certainly turned the tide so that the rights of the collective, the safety of the collective and the safety of the nation are being brought forward and will supersede.

For example, I would refer to the section where a person might be, for all intents and purposes, arrested without charges and held for 24 hours prior to being taken before a judge. If we were to suggest that to be the case, six weeks ago people would have said that we could not do that.

However, if we look at it in terms of the events and of the public mood, the public opinion and the culture of the world today, that is not seen in light of those horrendous acts of September 11 as being an unreasonable provision for public safety and protection. In that respect, where otherwise criminal law parts 1 to 5 are applicable, the public is there.

I would like to think that judges do not live in a vacuum. They are quite aware of the climate, although it could be argued that sometimes they are not. However, certainly because of the greater beliefs, fears and apprehension of people today, judges would see this as a reasonable provision for public safety.

• (1315)

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I thank my colleague from across the way for a very informative speech this afternoon. My question has to deal with the deterrent values, or at least the potential deterrent values, built into this legislation.

A number of the new classifications for criminal terrorist activities or advising others to commit terrorist activities, now bring with them the potential for life imprisonment in Canada.

Does my colleague believe that this type of deterrent would be successful with terrorists who clearly have shown in the past no appreciation for the value of human life? In particular, we might need to look at legislation that would more speedily extradite and/or deport individuals back to their countries.

Many people would view life imprisonment in Canada's prisons as a step up from what they are used to in their home countries. Therefore, I am a little concerned whether the deterrents would provide the effect for which we are looking.

Mr. Roger Gallaway: Mr. Speaker, that is a very interesting question. The corollary is that if we had previously apprehended the 19 who commandeered those planes and killed those hundreds of people and said that we were returning them to their country of origin, that would not have been a deterrent, as I see it.

What do we say to people who are capable of overriding the very natural instinct to live and survive by committing mass suicide among themselves? There is an element in all of this that is relative and that is that any kind of punishment, whether it is in Canada or in some other country, is of no consequence to them whatsoever.

The bill aims not only to address those who commit the acts but also those who support the network people. Obviously the 19 did not act as a collective of 19 or as 19 solo acts. There was some cohesion

to that group which meant there were support operatives either in the United States or, as has been suggested, in Europe. It is to get at those people who are the real threat.

What do we do with people who are willing to commit suicide? No number of threats of any kind will prevent that.

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, my hon. colleague from Sarnia—Lambton gave us a pretty good explanation of this legislation. I enjoyed listening to his comments. I am pleased to join the debate today on Bill C-36, which will put the government's anti-terrorism plan into place.

Quite clearly the bill is aimed at terrorist organizations and it seeks to strengthen the investigation, prosecution and prevention of terrorist activities at home and abroad. The bill has two primary objectives: to stop terrorists from getting into Canada and to protect Canadians from terrorist acts.

Canada has been fortunate to have a very peaceful history, unlike our neighbour to the south. September 11 is one more horrible example of that, but it has probably made Canadians question if we will continue to have a peaceful history without threat. We know now that Canada is in a position of being threatened. Our safety and security as a nation and as individual citizens of this nation have been threatened. It is important that the bill be in place to help protect Canadians from any possible terrorist acts.

The bill brings forward the tools necessary to identify, prosecute, convict and punish terrorists. As my colleague from Sarnia—Lambton noted, the bill seeks to prevent the Canada-U.S. border from being held hostage or under threat by terrorists, which would have a very deleterious effect on the Canadian economy.

Since I have been working with the Minister for International Trade, this brings home much more clearly the importance of the Canadian—American border in our trading relationship. We see that nowhere more clearly than in southwestern Ontario.

In my home community of London, Ontario, people regularly cross the American border either at Sarnia Port Huron or Windsor-Detroit. It is as simple as going to see a ball game or a hockey game and returning that same evening. Thousands of people cross the border daily to go to work. There is also an enormous amount of trade across those two border points.

We need to reflect on the fact that the twoway trade between Canada and the United States now stands at \$1.4 billion every day of the year. We need to reflect on the fact that there are some 250 million crossings at the border by individuals, be it for recreational purpose or work.

It is very important the legislation be in place to restore the confidence that has been somewhat shaken in Canadians and Americans. They want to continue to live in a society that has been free and open. The openness of our border is a good example of that.

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Therefore it is very important that all these steps be taken to re-establish the confidence that we normally have had between our two countries, where individuals can travel and move safely across the borders and where business can continue in an unhindered way. The statistics I just mentioned show the enormity of this two way trade. Something like 87% of our exports go to the United States.

The bill creates a situation whereby Canada will be working with the international community to bring terrorists to justice and to address the root causes of such hatred. In that regard I want to put forward a suggestion for the minister's consideration and I intend to take this up with her individually.

• (1320)

This suggestion comes from leaders in my own community, particularly Muslim leaders in London, Ontario, who consistently condemn the terrorist attacks of September 11. They have proposed the idea that perhaps Canada is an ideal country to host an international forum on terrorism. Perhaps we are the perfect country to say that we should, as an international community, gather and discuss the terrorist threat and discuss very basic questions like who is a terrorist and what is the proper definition of a terrorist. There have been some very famous people in history who have been considered terrorists. Nelson Mandela was considered a terrorist in his own country and he went on to lead his nation. He is obviously one of the outstanding individuals in history in recent times. This suggestion has some merit. Perhaps Canada would be well advised to take a lead in looking at the whole issue of terrorism and working with our international partners. I am happy to put that suggestion on the record and I will pursue it individually with the appropriate persons.

The proposed anti-terrorism act includes measures to identify, prosecute, convict and punish terrorists. These include: defining and designating terrorist groups and activities to make it easier to prosecute terrorists and those who support them; making it an offence to knowingly participate in or contribute to or facilitate the activities of terrorist groups or to instruct anyone in how to do any of those activities; making it an offence to knowingly harbour a terrorist; creating tougher sentences and parole provisions for terrorist offences; cutting off the financial support of terrorist groups; making it an offence to knowingly collect funds for or contribute funds to any such group. It would also ratify the two UN anti-terrorism conventions, the international convention for the suppression of the financing of terrorism and the international convention for the suppression of terrorist bombings, as well as the safety of United Nations and associated personnel convention.

I believe Canadians overwhelmingly support the legislation and the need for it. Some valid concerns have been raised. Certainly they have been raised with me, about the fact that we do not slip in a draconian series of measures that would somehow infringe unnecessarily on our rights as individuals. I think the bill strikes the proper balance between the need to fight terrorism and the need to protect of our civil liberties.

The bill has several safeguards which I will mention briefly. There will be a parliamentary review of the anti-terrorism legislation in three years. As the Prime Minister noted in his speech last night, the

minister is committed to requesting and supporting such a review sooner if it is deemed to be warranted.

Clearly defining provisions so that they are targeted at terrorists and terrorist groups would allow obviously legitimate political activism and protest which are so much a part of our democracy and which we witness every day outside on the steps and the lawns of parliament. I am very proud as a Canadian that I see those groups. I do not see them as a nuisance. They are here demonstrating peacefully about causes that are important to them. They cover everything from an individual priest here day after day expressing his strong pro-life views to groups like the Falun Gong. They have been out there recently demonstrating about activities they feel are discriminating against them in China.

It is very important that we have this balance and that the safeguards are there. They are important and good safeguards. The burden of proof, the onus, is on the state, as it should be. In other words an individual would still be innocent until proven guilty even if he or she is accused of a terrorist activity. That is fundamental to our democracy.

There are other safeguards built into the legislation that I do not have time to enumerate right now. Suffice it to say that I think the bill is very important.

• (1325)

I know that my constituents overwhelmingly support the bill. My constituents have some concerns about not having this legislation go too far. The bill addresses those concerns very well and I am pleased to support it.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I listened with great interest to the remarks of the member opposite.

In the context in which we now find ourselves, it is not easy to criticize such a bill, but my duty as a parliamentarian does compel me to point out that the only acts of terrorism I have ever known in my entire life in Canada were committed by the RCMP. They burned barns. An RCMP officer had a bomb explode in his hands on the steps of the Steinberg family residence. I recall this incident, which took place in 1970.

Law enforcement officers running wild are very dangerous. While full of good intentions, this bill fails totally to provide a control mechanism or structure.

Just days ago, we received some 150 recommendations from the Canadian Police Association. If we were to grant their request, you and I both, Mr. Speaker, would be stuck in some holding tank, in a glass enclosure, and stripped of our individual freedom.

I understand that it is the nature of police work to exercise control over just about anything that moves. Policing, we are told, is a necessary evil, but parliamentarians must not be too easily swayed by these kinds of claims.

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The bill to combat terrorism lacks controls. It is permanent. Yes, it is up for review in three years. Does the member not think that when those three years are up it should be extended by a vote in parliament rather than continuing in force forever, as long as parliament has not recalled it? I would recommend the opposite approach. This is a very dangerous bill.

Even in its wildest dreams, the Canadian Police Association never dared hope it would be given so many powers in a single document as it would be with this bill.

Does the member not see a certain threat to individual freedoms in this, despite the good intentions?

• (1330)

[*English*]

Mr. Pat O'Brien: Mr. Speaker, I am absolutely dumbfounded to hear any member of parliament, but particularly one from the province of Quebec, tell me that he has no recollection of terrorist activities in Canada except for those of the RCMP. That is absolutely incredible.

I would suggest that the hon. member talk to the family of the Hon. Pierre Laporte and hear what their views are about the absolutely incredible statement he just made. I cannot believe it. I will not go into a full explanation of the 1970 FLQ crisis and the murder of Pierre Laporte. I do not need to do that, although I certainly could. I am afraid I would probably become quite annoyed if I did that.

I want to answer the hon. member's question. He is proposing a built-in sunset clause or a clause that would automatically cause the bill to no longer be in effect at the end of three years. I do not think that is a very good idea at all. It is unnecessary.

First of all, the Parliament of Canada, which the hon. member was elected to and is a part of, can achieve that in any number of other ways that are already in existence. The bill can be revoked.

The Prime Minister in his speech last night very clearly indicated that although the bill calls for a parliamentary review automatically at three years, the government is open to a review sooner if it is deemed wise by parliament to do that. There is no intention of having some never ending bill that cannot be reviewed.

I invite the hon. member to come over and have a discussion. I will tell him the rest of the story about the FLQ crisis which he conveniently ignored.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I think that parliament has before it, as we often say, an exceedingly important bill. I really think it is the most important bill the House of Commons will pass. This bill responds to an event that occurred on September 11 and to much more than that as well. The bill, the way it is drafted at the moment, goes perhaps a bit too far.

Let me explain. If there is one thing we must make sure of it is that the House does not improvise in passing the bill, not with a bill like this one. We must take time to examine every angle of the bill. As many people as possible and the experts must be consulted in order to produce a law that meets our objective of fighting terrorism effectively.

The attacks on New York and Washington must certainly not change anything in the way we live and do things in Canada, but neither, given that the laws are passed here, must anything be changed in Quebec's approach either. To succeed in getting us to change and alter our practices would be the supreme victory for the terrorists. They would know we are afraid and would change the way we live and deprive our fellow citizens of their freedoms in exchange for security on paper.

In our reactions and attitudes we must look primarily for balance between heightened security measures and the need to keep freedom in the central and vital space it occupies in our society. We must protect ourselves, but we must also be aware of the fact that liberty will always be fragile whatever we do and whatever legislation we may pass in this House so long as there are men and women prepared to die for a cause and through hatred. No legislation will be able to stop them.

We can, however, have legislation that will enable us to prevent attacks such as the those that have recently taken place. We can have a bill that will help us gather information on terrorists, on the people we really want to target with such a piece of legislation, but caution is required.

We must not have just any old law to stop such people. Legislation is needed, but not at the expense of our collective and individual rights and freedoms. Sacrificing our freedom would in fact be capitulation, because freedom is, more than anything else, what defines life in a democracy. The choices we will be making are not, therefore, only choices for security, they are choices for society. Such choices, informed choices, cannot be made overnight. A sense of balance must inform our analysis of Bill C-36.

At the present time, looked at as a whole I believe the bill's purpose is laudable. The bill as a whole will be applied in conjunction with other existing Canadian statutes. The criminal code will continue to apply, as will the anti-gang legislation. Hon. members will recall that Bill C-24, now in the other place awaiting royal assent, enables police officers to commit illegal acts.

• (1335)

With the anti-gang legislation and this bill, Bill C-36, which amends over 20 Canadian statutes and a series of regulations, the powers of the police force appear out of balance with the liberties we enjoy.

I know it is not mentioned in the bill, but at some point the police, thanks to the anti-gang legislation, will be able to commit illegal acts under the law and perhaps break it. This was certainly not the government's aim, but we must not lose sight of the fact that these two laws apply concurrently. Neither blocks the other.

By allowing a police officer to act illegally under Bill C-24, we cannot be sure he will not use this part of the act to do things that are illegal under Bill C-36. Yet he would be justified in doing so for purposes of national security. Is this just rhetoric on my part? I hope so.

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I do not think it is rhetoric to say that because it is important to watch what is going on and to try to produce the best legislation. I think this is what the people of Canada and Quebec expect of us.

A look at the federal government's anti-terrorism plan and its objectives reveals four major objectives. There is no reason to oppose them. Perhaps the way it goes about achieving them in the legislation gives us the right, in a country like ours, to question them.

The first objective is to prevent terrorists from entering Canada and to protect Canadians against acts of terrorism. I have no problem with this objective. I would certainly not defend the terrorists or say that their rights were protected under the Canadian Charter of Rights and Freedoms. I was saying on the subject of gangsterism and organized crime, that it is not true the charter exists to protect them. I say the same thing about terrorists. However, the rights and freedoms honest people enjoy at the moment must not be denied them.

The second objective involves providing the tools to identify terrorists, bring them to justice, sentence them and punish them. This needs no explanation and there is no doubt that we support this objective.

The third objective is to prevent the Canada-U.S. border from being taken hostage by terrorists, which would have repercussions on the Canadian economy. That is obvious. Moreover, this is not the first time the Bloc Quebecois has questioned the work being done by customs officials on the borders of Canada and Quebec.

As far as money laundering is concerned, for at least five or six years now the Bloc Quebecois has been saying over and over that the borders between Canada and the United States are as full of holes as a sieve and that Canada enjoys the wonderful international reputation of being a country where money laundering is easy and where there may be the least monitoring of this.

I know that this is being corrected. I know that we have not been a voice crying out unheard in the wilderness for those five or six years. I know that the government has amended some laws in response to overtures by the Bloc Quebecois. I know that as far as Bill C-36 is concerned the criminal code is also being amended, with a far more specific objective: terrorist groups. This is a good thing.

I do not, however, think that the wake up call of the events of September 11 was necessary for this to happen. Actions could have been taken back when we started talking about the situation, back when we began to address the problem represented by Canadian customs and the Canada-U.S. border.

The final objective is to work with the international community to bring terrorists to justice and address the root causes of their hatred.

We can see that these are four praiseworthy objectives. On that basis one could not be opposed to a bill to implement provisions to attain those objectives.

• (1340)

However, the questions that arise have to do with the text we have before us. The bill is more than 170 pages in length and contains dozens, even hundreds, of amended sections and expanded definitions regarding the threat to national security among other things. There are increased powers conferred to some members of

the cabinet. The Minister of Justice, the Solicitor General of Canada and the Minister of National Defence would all have increased powers when it comes to electronic surveillance, for example. They would be able to decide if an individual will be monitored. It is the minister who would be responsible for the final decision. Have they gone too far? That is a tough question.

Are we asking enough tough questions? I hope that the Standing Committee on Justice and Human Rights, and I emphasize the words human rights, will do just that in a calm manner with all the time it needs and that this bill will be carefully examined.

If Canada had pursued these four objectives by ratifying international treaties that it has already signed, by making them law, then in all probability I would not be standing here right now giving a 20 minute speech on this subject. In order to attain its four objectives, the government included two conventions in this bill.

The first one is the international convention for the suppression of the financing of terrorism. It freezes terrorists' assets by preventing the use of assets belonging to a person who is involved in terrorist activities and in preventing the provision of property and financial or other related services to terrorists. These measures enable a Federal Court judge to order the freezing or seizure of property used to support terrorist activities.

This is the convention that had been signed but never had force of law in Canada. This convention is included in Bill C-36.

In order to achieve the objectives I outlined earlier, there is no problem with this approach and I applaud the government on this. Indeed, the government should have done this before September 11. This was its responsibility. It failed when it came to implementing the international convention for the suppression of the financing of terrorism.

Frankly, I imagine that the Canadian Security Intelligence Service knew before September 11 that there were people raising funds for terrorism in Canada. I certainly hope it knew. If it did not, I have my doubts about the effectiveness of the Canadian Security Intelligence Service. If it did, why was it waiting to tell somebody? If it did pass the information along, why did the solicitor general or the Minister of Justice do nothing when a convention had been signed to that effect? There is a problem somewhere.

The other convention is the international convention for the suppression of terrorist bombings. This convention contains provisions on the targeting of places of public use, government facilities, infrastructure and transportation systems for attacks using explosives or other lethal devices, including chemical or biological agents.

Here again, I hope that the Canadian Security Intelligence Service was on some sort of trail in Canada while groups were on Canadian soil and had certain similar objectives. It is perhaps not as clear as in the first convention, but I hope that CSIS, with the millions of dollars, close to a billion, which it regularly receives to manage its affairs, had a good idea of what was going on.

These two conventions are therefore implemented by Bill C-36. Once again we have no problem with this.

Government Orders

There is one point about which we have some legitimate concerns and I think that anyone interested in individual and collective rights and freedoms must share those concerns.

• (1345)

A large number of sections in the criminal code are amended and many new ones are added to deal with terrorism.

I invite hon. members to read the definition of terrorist activity; it is not a simple definition. It refers to ten conventions that Canada signed and implemented over the years. It is a definition that makes reference to other sections, to international conventions, to a large number of possibilities.

Terrorism as such is not defined, just like the federal government refused to define the notion of criminal activity—

An hon. member: Gangsterism.

Mr. Michel Bellehumeur: Yes, gangsterism. The bill defines terrorist activity by referring to conventions. About terrorism or terrorist activity it says that it is as an act committed for “a political, religious or ideological purpose”, which threatens the public and national security because it “is intended to cause death or serious bodily harm to a person”, “to endanger a person's life”, “to cause substantial property damage”, and might “cause serious bodily harm” as a result of “serious interference with or serious disruption of an essential service, facility or system”.

This is just one part of the definition. I did not mention the ten conventions that make reference to certain definitions of what may constitute a terrorist activity.

Just the part of the definition that I mentioned deserves a closer look. More than ten or fifteen minutes are necessary before adopting this clause. Experts are required, and no one in this House has the expertise to really be able to say whether or not this is going too far.

There may be members who have some expertise, but it is tinted by the party line of their political formations, and that includes myself, so outside experts are required to take a hard look at these definitions and tell us if we are right to be concerned about a possible violation of certain freedoms.

We could discuss this issue for a long time. I could talk about such a bill for hours, but since time is always a consideration I will deal with the core of the issue.

Another point that raises concerns is the whole question of electronic surveillance. Under the criminal code it is possible to use electronic surveillance by obtaining a warrant if surveillance is carried out for a specific time period, but the person being monitored must subsequently be informed of the fact.

Now all of this has been turned upside down. The monitoring period has been extended. The minister now has direct input. It will all be very vague. The way it will really operate is unclear. We do not know what limits there will be.

When more powers are granted to the police, as is the case here, whether it be preventive arrests, arrests without a warrant, or the Attorney General of Canada suspending the Access to Information Act whenever he pleases if he believes that national security is

threatened and there is no one to oversee what he is doing, no one to question the minister's decision, this is of concern to me.

The fact that this law would not be reviewed for three years is also cause for concern in my opinion.

Why does the minister, and this is the question I asked her yesterday in the House, not promise to have this law reviewed or make it possible to have this law reviewed by the Standing Committee on Justice and Human Rights after one year?

With everything that is happening on the national and international scene, I am convinced that following its adoption Bill C-36 will be more or less widely applied throughout Canada, depending on the case.

• (1350)

Over the course of the year, the Standing Committee on Justice and Human Rights could properly examine what has been done and determine if there has been any abuses. What we need to keep in mind is that we must prevent any abuse in applying exceptional legislation such as this.

As I have run out of time, I am prepared to answer any questions.

• (1355)

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I listened with a great deal of interest to the speech of my friend and colleague, the hon. member for Berthier—Montcalm. I believe that the Minister of Justice, the government opposite and all the members of this House should pay attention to what he said. We can only recognize his professionalism in reviewing the young offenders bill, the anti-gang legislation and the other bills introduced by the Minister of Justice.

Our justice critic is concerned, as are an increasing number of people, by the haste surrounding the tabling of this bill. Yes, there is some urgency in this context of real terrorism, but there are also considerations relating to this bill that deserve our attention.

I would like to ask the hon. member for Berthier—Montcalm if, in his opinion it could be risky to pass this bill quickly. The government is saying it is a matter of days and hours. Should we take time to consult experts to make sure that this bill is everything we want it to be?

Mr. Michel Bellehumeur: Mr. Speaker, this is a very important matter and I believe that in such a matter, improvisation, fear, haste and rushed action are all ill-advised. We must take the time to examine this extraordinary bill. I believe that a bill of its kind is rarely passed in a parliament such as ours.

What is first and foremost is that we must not improvise. We must pass a piece of legislation that attempts to maintain a degree of balance between national security and individual and collective rights and freedoms. The drawbacks must be addressed. As the bill is worded at this time, I believe that these run contrary to certain rights and freedoms. Our sights must be readjusted.

What does please me, and at the same time reassures me, is that yesterday the Prime Minister said that the committee would examine this question and listen to what people have to say and that it will be empowered to amend those clauses which go too far or involve goals the government is not interested in attaining. For instance, one or more of the definitions contained in the bill might affect the labour movement and those taking part in illegal walkouts. I do not believe that the objective of this bill is to consider them as terrorist groups. All that needs doing is to review the definition and perhaps tighten it up a bit, bringing it more in line with the objective, which is to combat terrorism.

This is not something that can be done overnight. Pushing the bill through at full speed is not the way to do it. We must take our time. Time is something we have here in this House, as well as in the Standing Committee on Justice and Human Rights, to examine this bill along with specialists and people who are used to working with the charter of rights and freedoms and similar legislation. We will then be able to shape legislation that is more acceptable and that particular strikes a balance between national security and individual and collective rights and freedoms.

The Speaker: The hon. member will have six minutes left for questions and comments after oral question period.

STATEMENTS BY MEMBERS

[English]

DYSTONIA

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, dystonia is a neurological disorder that can disable its victims with painful and involuntary muscle spasms. Sadly the cause of dystonia remains a mystery. This little known disease often goes undiagnosed in patients causing them deep psychological distress, emotional withdrawal and isolation from the rest of society.

Fortunately the families and friends of those who suffer from this devastating disorder have formed the Dystonia Medical Research Foundation. The purpose of the foundation is to create a greater awareness of dystonia, to discover the cause of the disease and to eventually find a cure.

In support of this dedicated group, I ask my colleagues in the House to join me in proclaiming the week of October 14 to 21 to be National Dystonia Awareness Week. During this time we call upon all Canadians to learn more about dystonia, how to recognize its symptoms and how to treat those who suffer from the disorder. The more we understand about dystonia, the closer we are to the cure.

* * *

• (1400)

LISA'S LAW

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, yesterday I introduced in the House a private member's bill that I hope will make a difference for children in the country. I hope Lisa's law will better ensure that the health and safety of children are at the centre of our justice system.

S. O. 31

I hope the proposed amendments to the Divorce Act will help make sure that sexual offenders, especially those who have committed sexual offences against children, cannot use court orders to force their own children to visit them in jail.

Earlier this year I walked with two children aged five and six and their mother, Lisa Dillman, into Bowden Penitentiary. Against their wishes these children were being forced to visit their father who had committed and was convicted of terrible sexual offences.

These two children have endured a great deal of psychological trauma. They and their mother have struggled long and hard to be liberated from the terrible burden of a court system that puts their perverted father above their own safety and security. I ask that all members of the House support these amendments when Lisa's law is read again.

* * *

[Translation]

GALA DES PRIX EXCELLENCE LA PRESSE—RADIO-CANADA

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, I am pleased to announce to the House the name of the person of the year, 2001. He is Normand Legault, the owner of the Montreal Formula 1 Grand Prix.

The award was presented at the Gala des prix Excellence *La Presse*—Radio-Canada because of the success of the Grand Prix and his involvement in the world of business and in public life in Montreal.

The other winners are Christiane Germain, the chair of Développement Germain-des-Prés; Stanley Vollant, the first Native surgeon in Canada; Marie-Nicole Lemieux, contralto; Chantal Petitclerc, an athlete at the Sydney Paralympics and Freda Miller of the Montreal Neurological Institute.

I want to congratulate these people on their involvement in our society. They are truly inspiring models for Canadians. Congratulations.

* * *

[English]

ONTARIO WINE INDUSTRY

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, I take this opportunity to acknowledge the significant contribution Ontario vintners make to both the Ontario tourism industry and the Canadian economy in general.

Ontario wines meet the highest standards of quality and excellence, drawing travellers and connoisseurs from across Canada and around the globe who want to appreciate the calibre of Ontario's wines firsthand.

From the Niagara Peninsula to Prince Edward county, the vineyards of the Ontario wine industry have proven that Canadian wines have the maturity and quality to compete with the best in the world.

S. O. 31

I encourage my colleagues and all Canadians to partake in the sights, smells and tastes of Ontario wines through the simple purchase of a bottle of wine produced in Ontario or by embarking on a breathtaking tour of the wine country.

The contribution of the Ontario wine industry to Canadian culture and the Canadian economy deserves our recognition and appreciation.

* * *

GENETICALLY MODIFIED FOODS

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, the need for a mandatory labelling system of genetically modified foods was made evident by the events of last summer. For example, we had the Canadian Council of Grocery Distributors ordering major grocery chains to remove from the shelves labelled products or cover labels identifying products that are GM free.

One wonders whether it is fair to leave an issue as basic as the consumers' right to know what they eat to the whim of food retailers. Why are consumers denied the information they need to make informed purchasing decisions with regard to genetically modified foods?

I invite my colleagues in the House to give serious consideration to these questions and to support Bill C-287 when voting on it tomorrow.

* * *

MIKE HARRIS

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, today we learned that Premier Mike Harris of Ontario has announced his intention to step down. As premier he leaves all Canadians a rich legacy. He will long be remembered for his common sense revolution: the promises to cut taxes, balance the budget, eliminate barriers to growth and introduce work for welfare.

His ideas, which are now widely embraced, were in 1995 considered extreme. The elites scoffed, pollsters scoffed, the media scoffed, other parties scoffed and the federal Liberals are still scoffing today. However he was right, his critics were wrong and the people of Ontario agreed with him.

In government, despite extreme and sometimes violent opposition, Mike Harris delivered on his promises and more. People found it refreshing that a leader would keep his word. In 1999 he was rewarded for this with a new mandate.

On behalf of Canadians and the official opposition Canadian Alliance, I offer my hearty congratulations and thanks to Premier Mike Harris. We wish him and his family the very best.

* * *

• (1405)

WORLD FOOD DAY

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, today is World Food Day. This year's theme is "Fight hunger to reduce poverty". Hunger is the most critical manifestation of poverty. Eliminating hunger is the first step toward reducing poverty and ensuring food for all.

Around 800 million men, women and children are chronically hungry. Hunger causes illness and death, robs people of their potential to work, cripples children's learning capacity, and undermines the peace and prosperity of nations. Raising public awareness about the problems of hunger and food insecurity is necessary in the fight against hunger.

At the World Food Summit in 1996 nations including Canada committed themselves to cutting by half the number of hungry people by 2015. This November governments, NGOs and other international agencies will meet to review the progress made and consider ways to accelerate efforts to reach this goal.

On this occasion let us strengthen our solidarity in the struggle to make sure that everyone on the planet has enough to eat.

* * *

[*Translation*]

VIOLENCE FREE WEEK

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, despite the tragic events of September 11, we can still imagine a life without violence. During violence free week, held between October 14 and 20, let us encourage children, adolescents and adults to imagine a world without violence.

To this end, we must focus all our energies and our institutions. Parliamentarians, schools, community organizations and parents must join forces to create safe, violence free living, working and recreational spaces.

I would like to draw attention to the part of the campaign directed at children. Despite the current situation, we must show children that life is possible without violence.

Violence is neither normal nor justifiable. Our children must never accept violence in their life. Let us take time together to give them the greatest gift possible: a life free of violence.

* * *

[*English*]

JOYCE REID

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, it is with great sorrow that I announce the passing of one of my constituents, Ms. Joyce Reid, who died on Friday, October 12, 2001.

Joyce was someone who believed that in addition to one's responsibilities to family and work one should also give something back to society. To that end she filled her life with volunteering for numerous community projects and political campaigns.

Joyce did not view politics with disdain. She viewed politics as an important component of a developed and civilized society. She believed that in the end politics was as good as the people who took time to participate in it.

Joyce was a tireless and dedicated volunteer in our community. Her many friends in the Swansea and High Park neighbourhoods will greatly miss her. I shall always remember her as an inspiring example of how to fully participate in and better the society one lives in.

* * *

NATIONAL CO-OP WEEK

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, this week is National Co-Op Week. Appropriately it coincides with the declaration of October 16 as World Food Day.

Canada's co-ops and credit unions play an important role in many communities across the country. This is especially true in rural Canada where co-operatives perform a vital role in the production of our nation's food.

It is fitting that the House of Commons recognize the role of co-operatives in our economy and acknowledge the fundamental part they play in putting food on our tables and on tables around the world.

Co-ops and credit unions are significant contributors to other sectors of the economy as well, with over 15 million members and 160,000 employees across Canada.

One particular credit union in Manitoba deserves special recognition. Staff members at Assiniboine Credit Union in Winnipeg give their time to numerous community activities including free business counselling to local self-employment programs.

As a member of parliament from Manitoba, I am proud to draw their community efforts to the attention of the House of Commons.

* * *

WORLD FOOD DAY

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Mr. Speaker, today is World Food Day, the day we commemorate the founding of the Food and Agriculture Organization of the United Nations, the FAO, in Quebec City on October 16, 1945.

This year's theme, "Fight hunger to reduce poverty", underscores the need to refocus attention on hunger as the first step to reducing poverty.

As Canadians we benefit from the success of an agriculture and food sector that provides us with safe and nutritious food. As a member of the FAO, Canada is a strong supporter of efforts to reduce hunger, promote sustainable agriculture and encourage the integration of developing countries into the world economy.

Still, according to the FAO, there are over 800 million people in the world facing hunger. World Food Day is an opportunity to remind us that we cannot be complacent in the fight against hunger.

S. O. 31

●(1410)

CANADA POST

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, October 16 is the 20th anniversary of Canada Post. While Canadians give Canada Post a passing grade in general, it gets a big fat F for failure when it comes to its treatment of its rural route mail couriers.

These couriers are the only group of workers in the country who are specifically barred from any of the basic rights that all employees are guaranteed in Canada. Subsection 13(5) of the Canada Post Corporation Act denies rural route mail couriers the right to vacations, statutory holidays, pensions, employment insurance, Canada pension plan, health and safety legislation, or the right to free collective bargaining that all Canadians enjoy under the charter.

We should mark the 20th anniversary of Canada Post by fixing this historic injustice once and for all. The government should delete subsection 13(5) of the act and give these hardworking Canadians the rights that all Canadian workers enjoy.

* * *

[*Translation*]

JUDGE MICHAEL SHEEHAN

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, on behalf of the Bloc Québécois, I wish to pay tribute to Judge Michael Sheehan, who yesterday received the Maurice Champagne rights and freedoms award from the Société Saint-Jean-Baptiste de Montréal.

Devastated by the death of his son, this courageous and very wise father decided to become involved by being there to listen to the distress of others and making a remarkable contribution to suicide prevention efforts.

When he speaks, Judge Sheehan reminds us that human life is what we hold most dear and that in fact people contemplating suicide do not want to die but just end their suffering.

This suffering is on the increase. Every day in Quebec there are 250 suicide attempts, five of which are fatal. In 1999, 316 women and over 1,200 men lost their life in this tragic manner.

Judge Sheehan's contribution to the prevention of suicide in Quebec is, of course, invaluable but his message is inspiring as well and helps to demystify this sad reality.

* * *

[*English*]

NATO PARLIAMENTARY ASSEMBLY

Mrs. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, the NATO Parliamentary Assembly held its annual meeting in Ottawa over Thanksgiving weekend. Delegates from all our NATO allies and associate countries were lavish in their praise of all aspects of the conference, including security.

Oral Questions

I take this opportunity to thank everyone whose hard work helped create a world class event. I include yourself, Mr. Speaker. Along with your colleague from the upper chamber you were kind enough to host a spectacular reception in the Centre Block which featured Canadian talent and foods.

While many of my colleagues were happy to contribute, I should make special mention of the member for Don Valley East and the member for Toronto Centre—Rosedale. Both made excellent presentations to committees of the assembly. I particularly thank the Prime Minister for opening the plenary session with a powerful and moving speech.

Finally, I thank the employees of the House of Commons and Senate who worked tirelessly on the conference as well as the RCMP and Ottawa police services. It was a proudly Canadian event.

* * *

WEEK WITHOUT VIOLENCE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, October 14 to October 20 marks the YWCA's Week Without Violence. Created by the YWCA in 1995, the Week Without Violence now spans over 50 countries and has become part of an international commitment to eradicate violence in all its forms.

This week organizers will be challenging thousands of Canadians across the country to imagine their lives without violence by engaging communities in a variety of activities and dialogues around violence and its prevention.

Last year 33,600 children, youth and adults participated in hundreds of these activities at over 300 schools in 600 communities. With the publicity it received the message of the YWCA's Week Without Violence reached over five million Canadians.

As one of the largest and oldest women's service organizations in Canada, the YWCA is Canada's largest provider of shelters to women and children. It has been its longstanding commitment to bring an end to all forms of violence. I thus encourage all Canadians and parliamentarians to play their part in ensuring that the Week Without Violence will last all year long.

* * *

• (1415)

[Translation]

BREAST CANCER

Mr. Jeannot Castonguay (Madawaska—Restigouche, Lib.): Mr. Speaker, I wish to announce to the House and to all Canadians that October is Breast Cancer Awareness Month.

Breast cancer is a serious health problem for Canadian women. The federal government is concerned about the physical and psychological suffering caused by this disease.

In 1992, the federal government launched a \$25 million initiative through Health Canada to combat breast cancer. In June 1998, the federal government renewed its commitment to the Canadian Breast Cancer Initiative by announcing stable, ongoing funding of \$7 million annually.

Thanks to federal leadership and with the help of a national network of devoted partners, we are working to reduce the incidence and mortality of breast cancer and to improve the quality of life of women affected by it.

My congratulations to all those who are devoting their time and energy to this serious health problem.

ORAL QUESTION PERIOD

[Translation]

ANTI-TERRORISM ACT

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, one month ago, at our earliest opportunity, the official opposition moved a motion to enact anti-terrorism legislation similar to the bill introduced yesterday by the government.

What specifically was it about the Canadian Alliance motion that justified the government wasting one month before coming around to the Canadian Alliance arguments in favour of introducing an anti-terrorism bill?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the government does its homework in all circumstances. Unlike the opposition, however, we do it before we introduce bills.

A bill such as this calls for a great deal of thought and study so that we can strike a balance between the protection of Canadians' fundamental rights and freedoms and their safety. We are not here to seize opportunities as they go by, but to introduce excellent bills.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we have still had no specific answer.

[English]

We are left wondering about this anti-legislation law but we support some of it. When it is enacted will it make much difference for terrorist organizations operating in Canada?

Under the new law, even if bin Laden's band of murderers, al-Qaeda, is named as a terrorist group, his followers across Canada could still stand and proudly declare that they are members of that group. Could the Prime Minister explain that to us?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as the Leader of the Opposition should know, if there were supporters of al-Qaeda in the country, if they participated in, if they contributed to, if they facilitated, if they instructed or if they harboured in relation to any of the activities of al-Qaeda, they in fact could be investigated, charged and prosecuted.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, they can still be proud members.

Oral Questions

In the war on terrorism many things should be done but a few things must be done. Under the bill, a terrorist convicted of a mass murder would still be eligible for parole and would definitely be free to walk around in Canada after 25 years.

Could the Prime Minister explain how this discount for mass murderers meets his test of reasonableness?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I believe the hon. member is incorrect. If one is convicted and sentenced to a life sentence, there is no guarantee or reason to assume that the person would necessarily be granted parole at any time.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the point is that the terrorists could in fact receive parole. The anti-terrorist legislation tabled by the justice minister yesterday provides parole for terrorists who commit mass murder. Under the bill a terrorist would be eligible for release after 25 years even if convicted of killing thousands of victims.

Why will the Liberal government not amend the law to ensure that terrorists who commit mass murder are never released from custody?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I am sure my hon. colleague is not trying to indicate that murderers are automatically paroled at the end of 25 years. The fact is that it is a life sentence and the first chance for parole is at 25 years.

My hon. colleague is also aware that public safety is always the number one priority when dealing with parole.

• (1420)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the minister should read the bill. The government's own backbenchers, specifically the member for Mississauga East, warned the government of this glaring problem in the criminal code when it comes to dealing with mass murderers and serial killers. The same is true with respect to the anti-terrorism legislation.

Will the minister address this frightening concern and amend the legislation to ensure that convicted terrorists never have a second chance to commit mass murder?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I think my hon. colleague is well aware that if an individual is found guilty and sentenced to life in prison, life is life. The first chance for parole is at 25 years but life is life in this country.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the attacks of September 11 force us into an exceptional situation that requires exceptional measures. In the case of the anti-terrorism act, if the situation improves, the exception must not become the rule.

In order to respond properly to both immediate and future needs, will the Prime Minister agree that it would be more prudent to provide a sunset clause that would, after three years, force parliament to reassess the situation and decide whether or not to renew the anti-terrorism legislation?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, not only am I in agreement with the hon. leader of the Bloc

Quebecois but, as I said yesterday in response to a question, if three years is too much, we are prepared to shorten that period.

If this is extraordinary legislation and if it must be used in very specific circumstances, I am totally in agreement with the fact that the government should review it. If any piece of extraordinary legislation should no longer be necessary, there should be a requirement for it to be withdrawn.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I am not merely referring to a review of the law.

To repeat the Prime Minister words of yesterday, we must avoid the errors of the past. What I am referring to is setting, right from the start, a fixed time limit for this law, a law we will also have to review.

Would the government be prepared to set a fixed expiration date for this bill?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the committee is going to examine the bill. There may be some elements of it that will have to be retained, because they represent an improvement over the act we have at present.

We cannot, therefore, say immediately that the entire act should be withdrawn. There may well be certain elements of it that would improve existing legislation, and it will be in the interest of Canadians and the freedoms enjoyed by Canadians to retain them in the criminal code.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister has to understand that people's rights and freedoms are at stake here and this is why we are raising the matter again.

Given that even the American congress provided for such a clause in its own legislation, making it null and void at the end of three years, I ask the Prime Minister if he would not do well to do the same thing.

Would it not send a signal that he truly has individual rights and freedoms at heart if he said right now that the operation of the law will be limited in time?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I invited the committee to examine this bill. I have just explained that even before three years have passed, it will perhaps be useful to review it, because parts of it will no longer be needed.

I would hope that this is the case, as it would mean that terrorism was defeated. I am however open to all amendments.

The hon. member must also consider that in Canada, to protect the public, we have created the charter of rights and freedoms, which will always be used by the courts.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the government's bill in fact goes well beyond the charter and compromises rights traditionally enjoyed by the people of this country.

I would ask the Prime Minister not to confuse "review of the application of the law" with "operation of the law".

Oral Questions

What we are calling for is a law with a limited life of three years, with mechanisms for annual review so that parliament can check how the secret service and the police are applying it.

• (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think the hon. member is making a mistake, because he is implying that this law suspends the charter of rights and freedoms, which is not the case.

This legislation is entirely in keeping with the charter. The committee worked to ensure that the new legislation did not contravene the charter.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the Prime Minister has just mentioned the Canadian Charter of Rights and Freedoms. I know how attached he is to it because I was here in the years when he made the case for it in the House of Commons.

Given the appropriate attachment of the government to the charter and given the controversy about whether or not the bill actually meets the test of the charter, would the government consider a referral to the supreme court of the more controversial elements of the bill so that the court might consider it simultaneously? We could still do this in the urgent way that the government considers necessary.

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as the Prime Minister has just indicated, we believe the legislation fully complies with the Canadian Charter of Rights and Freedoms. Therefore we see no reason to refer this matter to the supreme court.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the problem is that other people may think differently and it may be in the government's interest to prove that it does meet that test by referring in the way that I have suggested.

Would the Prime Minister indicate whether he would be open to sunseting, as has been suggested, certain sections of the bill?

I would agree with him that some sections having to do with UN conventions are not things that should be sunsetted but there may be more controversial elements that could be sunsetted. I wonder whether the government would be open to that.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think there is a place to make this debate. We have a committee that will meet very soon and it will look at all that. I want the members to look at that.

I want to affirm again that, yes, rather than rushing into this legislation we took our time because we had a goal. We wanted to have a bill against terrorism that would not work against the charter of rights and freedoms. I wanted the charter of rights and freedoms to remain completely intact despite the legislation.

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, Bill C-36, the anti-terrorism act, would provide police officers with sweeping new powers that need to be properly understood in order to ensure that the rights of Canadians are protected. This will mean the retraining of thousands of police officers across the country.

With many of these officers working for cities, municipalities and towns that are already cash-strapped due to federal downloading, will the solicitor general please tell us when he intends to announce the details of this retraining and how he intends to pay for it?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as my hon. colleague is well aware, this government put \$1.5 billion into the public safety envelope, \$250 million about a week or so ago to address immediate needs, and \$9 million to address training and personnel for the RCMP.

What we are doing is making sure that the personnel that is required is there and the technology that is required is there to make sure that we continue to live in a safe country.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, a short version of that is more money but when.

Certain provisions of Bill C-36 raised questions regarding the overextension of ministerial discretion. The bill allows the minister to authorize actions which could be subject to abuse. There are broad powers to limit public access and possibly civil rights.

Will the minister commit today to include not only a fixed sunset clause but also an oversight committee that we likely have in CSIS and the RCMP to avoid political interference and to avoid the possible undermining of political or police impartiality?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, on that note I will not make such a commitment today.

I think it is fair to say that the role of the attorney general in the legislation is very important because we do believe in accountability, political and public accountability.

• (1430)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, the solicitor general just stood in the House today and said that when someone is given a life sentence life is life. He would have Canadians believe that there is no one out there who is back in society, free after a life sentence. The minister knows there are many mass murderers who are free after 25 years.

Will the government amend the legislation to ensure that terrorists who commit mass murders are never released from custody?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, another measure that was taken by the government a number of years ago was the creation of the dangerous offender classification. If someone is convicted under that it is an indefinite sentence and he or she could spend the rest of his or her life in prison.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, yesterday the solicitor general said that the RCMP was given \$64 million to fill any gaps and to hire new RCMP officers as needed.

*Oral Questions***NATIONAL SECURITY**

I remind the solicitor general that in 1994 the government cut \$175 million over some years and 2,200 positions.

In that \$64 million that was announced, how many new officers will that bring into the force and to what new positions? Could he announce that today?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, if there is one thing I do not do it is run the operations of the RCMP.

What the government and I do is make sure that the RCMP and CSIS have adequate resources to make sure this country has one of the best police forces in the world and to make sure our society remains safe. We have done it and we will continue to do it.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, according to the very broad definition of what constitutes a terrorist activity in the Minister of Justice's bill, many participants in the Quebec City summit could have been considered terrorists.

How can the minister assure us that with a definition as broad as this, some of the demonstrators at the Quebec City summit would not have been apprehended as terrorists?

[*English*]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if the hon. member cares to read the definition of terrorist activity he would find that it is a fairly finely defined definition and one that we have taken great care with to ensure that those who would carry out lawful and legitimate activities, be it political protests in relation to labour movements or other things, are not affected by the legislation.

If the hon. member wishes to discuss this point further I would be happy to do so at committee.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, concerns were raised during preliminary consultations involving those who have read the section in question, that such a broad definition of what constitutes a terrorist activity would lead to abuse.

My question is quite simple. Given these legitimate concerns, does the minister intend to tighten up this definition in order to avoid mistakes and the risk of abuse?

Will the minister issue clear directives to try to avoid, as much as possible, abuse of this legislation? That is what I am asking the minister.

[*English*]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we believe the definition is clear and we believe there will be no abuse of the definition of terrorist activity.

As I have said, I will be more than happy to take up this matter with the member in committee. In addition, the hon. member should remember that we have a three year review period built into the legislation. Unlikely as it may be, if there is some abuse we can certainly deal with it at that time.

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, Canada's trade flow with the United States is the lifeblood of our economy sustaining thousands of Canadian jobs.

Today B.C. premier Gordon Campbell is in Ottawa representing the majority of provincial premiers to lobby the Prime Minister for a continental security perimeter. A perimeter will not threaten our sovereignty but rather strengthen our personal and economic security.

Will the Prime Minister tell the House today whether or not he will work with the premiers on this issue?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I had the privilege of being with the premier for lunch and we discussed that. He understands that the goal of the federal government is to make sure that the flow of goods with the United States will not be interrupted by terrorist activities. It is the best thing to do.

This is not the time to be talking about there being a big problem because in reality there is no danger at the Canadian border. We will make sure of that. Those who come to Canada can only come by plane and we have seven airports to take care of them. The people walking from the north to the south are not very numerous these days.

• (1435)

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, maybe the Prime Minister should visit the borders and he would realize there is a different reality than the one he has.

Eight provincial premiers, the international trade minister, business leaders and Liberal and opposition MPs, along with the vast majority of Canadians, are calling for a continental perimeter to secure our trade with the U.S. It seems the only one out of sync is the Prime Minister.

Will the Prime Minister tell the House why everyone is wrong and he is right? Is it because Brian Mulroney is calling for the perimeter?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, long before they asked questions I was on the line with the president of the United States.

The president of the United States told me that it was in the interests of Canada and of the United States that the free flow of goods at the border be accommodated quickly. That is the exact goal of this government and the government of the United States despite the gloom and doom of the official opposition.

* * *

[*Translation*]

ANTI-TERRORISM ACT

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, the existing Access to Information Act allows the government to refuse to disclose information, and it is up to the commissioner and eventually to a tribunal to decide whether such refusal is justified.

Oral Questions

By contrast, the anti-terrorism bill gives to the attorney general the power to decide alone not to release certain documents.

Can the minister explain why she is giving this responsibility to the Attorney General of Canada, that is, herself, rather than to the information commissioner?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I indicated yesterday, there may be information in relation to national security and the security of our allies and others that we do not want disclosed in a judicial or other hearing. The legislation would permit the attorney general to certify the non-disclosure of that information.

I would hope that nobody in the House would suggest that we should be disclosing information that could possibly undermine national security or threaten the lives of those who work on behalf of this country and our allies.

[Translation]

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, since the beginning we have been told that we must not change our way of living and that democracy must prevail because it is the best protection against terrorism.

How can the minister reconcile these reassuring comments with the provisions of the bill that seek to take the powers of the commissioner and the courts and transfer them to the attorney general alone, thus making the latter judge and jury regarding what the public should or should not know?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member deliberately misconstrues the extent of the provision to which she refers.

It is a very limited provision in which the attorney general can certify the non-disclosure of certain limited information that is clearly in the national interest or affects the international relations of this country and its allies.

* * *

CUSTOMS AND EXCISE

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, Canada Customs has instructed its officers not to stop, detain or arrest people suspected of being armed and dangerous.

In the policy guidelines, paragraph 16 instructs officers to let these individuals go through and then to call the local police.

Will the minister equip our customs officers to do their job properly and get rid of this ludicrous policy?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, customs officers are well trained. We know that based on the brand new legislation they have been given what is called officer power. Therefore they have the right to arrest people when they show up at the border.

We all know that customs officers are not police. Over the past decade we have been working with national police forces and local police forces. As the safety of our employees is of prime importance, they must be allowed to use their judgment. If they believe a person could be a threat to their life they only have to get in touch with the local police who will arrest those people and make sure we—

The Speaker: The hon. member for Wild Rose.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, those people roam around a long time. Bill C-18 was supposed to give customs officers the power to enforce the criminal code at the border. The problem is that the bill applies to less than one-quarter of the crossings and to none of the international airports. This means agents at 115 land crossings and all of our airports cannot detain and arrest criminals.

Does it not make sense to the minister during these times of security to grant the same powers to the officers at customs all across Canada?

• (1440)

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, customs officers have the necessary powers to fulfill their duties.

A question I would like to ask is, why does the opposition member always try to blame Canada? We are doing a wonderful job on this side of the House. We are working in co-operation. We are one component in the first line of defence. We are working with immigration, the RCMP and CSIS. It is through co-operation that we will fight terrorism.

* * *

HEALTH

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, my question today is for the Minister of Health.

Canadians are concerned about the recent reports of anthrax exposure in the United States. Just yesterday parliamentarians and our staff members were concerned when we heard about a suspicious material on Parliament Hill.

Could the minister please tell the House what stockpiling of supplies has been done to respond to the heightened public concern about anthrax?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, Health Canada is stockpiling for 100,000 people. We already have stock on hand for 40,000 people to meet our goal in the immediate future.

As for yesterday, we were all relieved to learn that the tests disclosed that the samples proved negative. I want to take this opportunity, on behalf of the House, I am sure, to thank and congratulate the emergency response personnel who did their usual superb job in the circumstances.

Oral Questions

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, my question is on the same topic. The fact of the matter is that by the minister's own reports this country is not prepared for a bioterrorist attack and does not support our first responders, particularly our firefighters, with training and support to deal with a biological or chemical attack.

In fact, the reports all show that Ottawa may be the only centre that is fully trained and prepared to deal with an anthrax attack.

My question for the Minister of Health is how long do the rest of Canadians have to wait before they have trained professionals in place to deal with bioterrorism?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, across the country provincial medical officers of health, local authorities and, indeed, provincial ministers are well aware of the need to co-ordinate efforts and Health Canada is providing leadership in that regard.

Months before September 11, we sent the Ottawa model across the country. We have been engaged in training personnel across the country. The kind of strong response we need was shown here in Ottawa yesterday.

Health Canada is working to make sure that we provide that strong response wherever it is required.

* * *

JUSTICE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the RCMP have confirmed that students of Arabic background studying in Canada are being questioned and investigated, particularly if they are studying engineering or sciences.

I would like to ask the Minister of Justice what the legal basis is for this practice. Does she believe that singling out a particular group based on ethnicity, country of origin or what they are studying contradicts the intent of Canada's multiculturalism policy to full and equitable participation in all aspects of Canadian society?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I think my hon. colleague is aware that there are measures to take if it is felt the RCMP has acted inappropriately. The tragic events of September 11 are being investigated by the RCMP and CSIS in co-operation with the FBI to make sure that we find the terrorists and bring them to justice.

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THE BUDGET

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, ministers have been announcing a lot of new spending lately and while some of it is very necessary, most of it is not in the last budget. The finance minister's own website states:

Most years the Government releases one major document that sets out where and how it plans to collect and invest taxpayers' money. How much money will go to pay down the debt? How much to health care? Will taxes go up or down? The answers affect all Canadians, and they will be in that document, the budget.

It has been almost 600 days since we have seen such an elusive document. Will the finance minister share the answers with Canadians by presenting a full fall budget?

• (1445)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, first I want to congratulate my colleagues in the government on the series of announcements demonstrating just how clearly Canada has taken a leadership role in dealing with terrorism.

I also want to point out to the hon. member that it was last October that the government brought down an economic statement in which the largest tax cuts in Canadian history were presented, the largest transfers to the provinces for health care and education were presented, and in which there was the largest debt paydown.

* * *

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, over three years ago the auditor general of the day stated that our Canadian forces needed a \$1 billion increase annually to retain its effectiveness and avoid further rust out of its resources. This was agreed to by the Conference of Defence Association and by the minister of defence's senior staff.

I do not want the Minister of Finance to joke or laugh. I want him to tell us when he is going to bring in a budget and put the money back into the military so it can do its job.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, on an urgent demand of the minister of defence, I am taking the question.

Let me say that in addition to my other colleagues, I congratulate the minister of defence who in last October's statement received a substantial increase in his funding. In fact the Department of National Defence has been one of the departments receiving the most new spending.

I understand the hon. member getting exercised but what she ought to get exercised about is terrorism because we are going to fight it and defeat it.

* * *

HEALTH

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, it was rather interesting to hear yesterday that the health minister had no specifics about his preparedness for an anthrax attack. This morning after the cabinet meeting he had no specifics but all of a sudden he has coughed up some specifics. That is very interesting.

The minister has yet to officially approve any drugs at all for the treatment of anthrax. Why would the minister be stockpiling medicine that he has not even approved?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I answered a question today about specifics. It was a good question that I thought deserved a very good answer and I provided one.

Oral Questions

On the subject of the pharmaceuticals, Health Canada is stockpiling antibiotics that are appropriate and effective for use against anthrax. These antibiotics are recognized around the world by countries that are aware of such things. We are putting in place stockpiles of drugs that will effectively respond to the health needs of Canadians.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, if the drugs are so effective and appropriate, why has the minister not approved them yet?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I am afraid I do not understand the question. A whole variety of wide spectrum antibiotics are approved by Health Canada, are in use in the country and are available to Canadians.

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[Translation]

ANTI-TERRORISM ACT

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, in the anti-terrorism bill, the government gives the Communications Security Establishment means to engage in electronic surveillance.

How can the government justify that the Minister of National Defence will be the only one to authorize electronic surveillance, instead of calling on a judge to obtain such authorization?

[English]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, with respect to domestic operations of that kind, there in fact is a judicial oversight, but with respect to foreign entities that is something that does come under CSE and that is something that is completely in accordance with all Canadian law.

● (1450)

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, how would national security be better served by giving a minister the responsibility to decide whether or not electronic surveillance is required rather than asking a judge, as is currently the case?

Why change that?

[English]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, again this is outside the limits of judicial overview within Canada because this is in foreign countries. We are targeting foreign entities. We do have substantial safeguards and regulations for how this is done. We do have a judicial person who is a commissioner who oversees CSE and ensures that in fact it stays within the laws of Canada, stays within the regulations and continues to operate in a lawful fashion. This is to try to stop terrorism, to make sure we get the information we need to stop that kind of problem from coming to Canada.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, an expert on money laundering has been quoted in news reports today as calling Canada the Maytag of the north, well known to terrorists and other criminals as a good place to launder money.

The justice minister and the finance minister both assured us that the government had the legal power to seize and freeze the financial

assets of bin Laden and other terrorists. If that was the case, will the Prime Minister explain why this new bill changes the very law that his government said had the powers already?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have indicated before in the House, under section 3(2) of the United Nations Act we do have the power to commence civil forfeiture proceedings, but what we are doing in the anti-terrorism legislation is putting in place a strengthened and more formal process by which we have the power to seize, to restrain and to seek civil forfeiture. Let me make it absolutely plain that under section 3(2) of the United Nations Act that presently exists we do have the power to seek civil forfeiture of frozen assets.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, section 3(2) of the United Nations Act is the act that the government is changing under this law. Two senior ministers weeks ago asserted that the government had the legal power to seize and freeze bank accounts, and yet at the first opportunity they have changed the law.

Why did two senior ministers state in the House that the government had these powers?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we do have that power and in the legislation what we are doing is streamlining and formalizing that process.

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NATIONAL DEFENCE

Mr. Janko Peric (Cambridge, Lib.): Mr. Speaker, my question is for the Minister of National Defence. Given our current military commitment to the coalition against terrorism, could the minister advise the House what measures are being undertaken to recruit and retain personnel within the Canadian armed forces?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, recruitment and retention is a problem not only for us in the Canadian forces but for all of our allies as well. We have entered into an aggressive program of recruitment and also into changing some of the terms of service to try to keep a higher level of retention.

I am pleased to report that in terms of recruitment we are far surpassing the numbers we expected at this point in time. For example, on regular forces, after just six months over 85% of our annual quota has been reached. In terms of reserves, we are already 50% over what we wanted for the entire year.

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ANTI-TERRORISM LEGISLATION

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, the British anti-terrorism law provides for compensation to citizens who are victims of terrorism. The government's proposed bill omits these important provisions.

Oral Questions

Why does the justice minister want the innocent to suffer in our war against terrorism?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we do not want the innocent to suffer in our war against terrorism. What we want to do is protect the innocent from the acts of terrorist organizations and individuals.

However the hon. member raises a very interesting point and I think it is one that would be well worth some discussion and review in committee. That is why we are looking forward to having the opportunity to engage parliamentarians and others before committee.

• (1455)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, the U.S. anti-terrorism legislation provides compensation and safeguards for the victims of terrorism. The government's bill appears to totally omit those provisions.

Why have the government and the Minister of Justice chosen to ignore this very important issue?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have just said I think the hon. member raises a very interesting point and it is one that we should discuss at committee. I would be very happy to engage him or others from his party on this point in committee.

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[Translation]

INTERNATIONAL AID

Mr. Stéphan Tremblay (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, more and more observers are sounding the alarm in connection with the millions of human beings, many of them children, who might die of starvation in the near future in the context of the bombardments taking place in Afghanistan.

Can a responsible government remain unmoved by such a terrible reality and, consequently, does the Canadian government intend to step up its direct humanitarian assistance in order to avoid a human tragedy of such scope that millions of people might starve to death?

[English]

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, the government has in fact been very active. We have specialists on the ground at the border working to assist in getting food into Afghanistan.

The major crisis is in the country. There is a great deal of work being done with refugees in Pakistan, in Iran and around the area but getting through to the inside is where the major problem is. There is some food getting in now with private trucks and so on but it is still a major problem and that is where we are working.

Mr. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, around the world today there are millions of people living without adequate food.

In the past few weeks our eyes have turned to the plight of the people in Afghanistan. However, around the world there continue to be many who share this daily challenge and plight.

My question is for the Minister for International Cooperation. Today is World Food Day. What will the minister do to address world hunger?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, the theme for World Food Day is "Fight Hunger to Reduce Poverty". This is very important.

The problem is not only with food production. It is also a problem of insufficient income to buy food, of poor health in regard to producing and consuming food and not having an appropriate balance of vitamins, minerals and available food.

In fact UNICEF has recently recognized and congratulated the Prime Minister for Canada's example of global leadership in saving millions of lives of children around the world by providing vitamin A.

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[Translation]

PUBLIC HEALTH

M. André Bachand (Richmond—Arthabaska, PC/RD): Mr. Speaker, my question is for the Prime Minister.

The events of recent days have brought focus to bear on the importance of the relative dimension of public health in the battle against terrorism, along with the need for reliable information on the real or perceived threat of bioterrorism.

In light of these events, will the Prime Minister be appointing the Minister of Health to this famous cabinet committee on national security?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I am currently working in close co-operation with my colleagues. We are all fully engaged in the process in order to prepare Canada against these threats.

I have already made a statement today to the effect that Health Canada is working with its provincial partners. I am a member of the team and we are all working together.

At the end of the day, the most important thing is to assume our responsibilities, and we will do so.

* * *

[English]

NATIONAL SECURITY

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, customs agents do not have the ability to defuse potentially dangerous situations. They are advised to allow people they feel who are of high risk to enter our country. Then they are supposed to call the RCMP or the police afterward.

Will the minister give customs agents the authority of peace officers to allow them to protect our Canadian citizens more efficiently?

Privilege

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, some months ago customs officers were provided with what we call officer power. Officer power has been implemented in some ports, at land borders, of course, and at seaports and airports.

As well, customs is not the police department. Over the past decade we have worked with local and national police. This is what we will keep doing in the future, making sure as well that the safety of our officers is a prime concern of Canada customs.

* * *

• (1500)

[Translation]

HIGHWAY INFRASTRUCTURE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Minister of Finance, in a visit to Chicoutimi last week, expressed an interest in covering half the cost of work on a four lane highway in the parc des Laurentides.

The Quebec minister of transport, Guy Chevrette, immediately asked to pay for half of it, so the work can begin immediately.

Was the Minister of Finance serious in his remarks and, if so, when will he provide a cheque? We are just waiting for him.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, my honourable colleague knows very well we have an infrastructure program for highways across the country. It is a \$600 million program.

The provinces and the federal government split costs 50:50, and the provinces establish the priorities; this is a provincial responsibility in the context of a national highway system.

* * *

[English]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Dr. Gro Harlem Brundtland, Director-General of the World Health Organization

Some hon. members: Hear, hear.

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POINTS OF ORDER

DIVISION NO. 148

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, if you look at yesterday's *Hansard* you will see a list of those who voted yea in support of the opposition day motion, but my name does not appear.

I want to say to the House that I was present during the vote. It was not my intention to abstain. It was my intention to vote with my colleagues in support of the opposition day motion. I shared the position of my colleagues in support of it then and I share that position now.

I hope there will be no misunderstanding on this. I did not abstain and did not intend to abstain.

The Speaker: Is the Deputy Prime Minister asking that his name be included in the list of yeas for yesterday's vote?

Hon. Herb Gray: Mr. Speaker, I would be delighted if the House would agree that I would be so included. I would appreciate that very much.

The Speaker: Is it agreed?

Some hon. members: Agreed.

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PRIVILEGE**AIRPORT SECURITY**

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, on October 4 the Minister of Transport appeared before the transport committee. In the course of his opening presentation he referred to a ministerial directive he had written requesting that cockpit doors of Canadian aircraft be locked for the duration of the flight.

I advised him I had flown on Canadian aircraft since the time the directive had apparently been written and had seen cockpit doors open on several occasions. The minister's response to that was that "On the question of cockpit doors, I have to say that if you have been on flights where this is the case, you have an obligation as a member of parliament to report that to me or my officials, the date, the time".

I further asked the minister if he would be willing to table any ministerial directives issued to the department on airport security since September 11. His response to this request was as follows, that "Most government documents are available under access to information. If we can make them available to you, we will".

That is not acceptable. On one hand the minister is stating that I have an obligation as a member of parliament to report any observations I make that contravene his directives. On the other hand he is advising me that I would have to rely on access to information to find out what that directive is. This is not unlike the situation that occurred in the case of Bill C-36 which is now before the House. The government provided information to the media before providing that same information to MPs.

In the case of the minister's departmental directives, he states that we need to report observed breaches of his directives without ever having been informed by the government of their existence. In such cases we are to rely on material acquired from access to information, and if we are, how are we to know that the material even exists to ask for or what we are supposed to ask for? Does the minister expect us to rely on reports in the media, which is how we got our initial information on Bill C-36?

I submit that the minister, by creating directives which he then claims MPs have an obligation to be in compliance with and by not providing those directives to MPs, has caused a breach of parliamentary privilege in that he has created an obligation for specific performance by MPs and then prevented MPs from fulfilling that obligation.

I ask that this be remedied by requiring the Minister of Transport to table all ministerial directives issued to his department on airport security since September 11.

• (1505)

Hon. David Collette (Minister of Transport, Lib.): Mr. Speaker, I have just become aware of this so-called question of privilege from my colleague from Kootenay—Boundary—Okanagan. He is misplaced by raising this as a question of privilege.

It is true that in committee at the time he offered the fact, in response to the discussion about cockpit doors being ordered closed pursuant to regulation under the Aeronautics Act, that he had many occasions where pilots were not obeying us. I said to him that he had an obligation, as did any citizen, when they saw the law transgressed or if they suspected the law was being transgressed, to report it to the appropriate authorities. I would think that he should not contest that. That particular directive was well publicized.

I told the hon. member that we would make information available to him, as we do for committees in general. However, if he requires items that go beyond the scope of a particular discussion in a committee, he is free to use the access to information remedy.

He is mixing apples and oranges. He is somehow saying that his privileges have been infringed upon. I would say that he is not discharging his privileges if he does not come forward and give evidence, give flight numbers, give the time and the locations of these planes because the allegation is that he has been sitting on aircraft when the law is being broken.

The Speaker: It is hard to know how there could be a supplementary question of privilege. The Chair is prepared to deal with this at the moment. I have heard the two sides and I had real difficulty in even allowing this. This is clearly a dispute between members about what happened in a committee. In my view the matter should be dealt with in the committee.

If the member has a disagreement with the minister, I suggest he get the committee to call the minister back. The minister can attend with any documents that might need to be tabled and they could be tabled there. He can answer questions from the member and could indeed suggest remedies to the member for dealing with these matters, if there is a dispute.

This is not one in my opinion that involves the privileges of the member or of members of the House as defined in the works on this subject, including Maingot's description of privilege in the House and the description contained in Marleau and Montpetit.

In my view this is an inappropriate place for this matter to be raised. It is a matter that was raised originally in committee. The dispute arose out of committee proceedings and the matter ought to be settled in the committee and not here. I invite the hon. member to do so.

I do not want to get into an argument. By having allowed the matter to go this far, we have obvious disputes as to the facts and what happened in committee and what should happen between one side and another. I am not prepared to continue to go on with this because I know the hon. member will say this is what he wants and the minister will want to say what he wants. I am not prepared to

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allow this to continue here because in my view this is an appropriate matter for the committee and not for the House.

• (1510)

Mr. Jim Gouk: Mr. Speaker, I would ask that you consider that there are certain pieces of evidence, not arguments or disputes, but very specific two single points of evidence, that should be considered before you render that final decision on this question of privilege.

The Speaker: I have considered the evidence and I have indicated that the evidence is something that should be dealt with before the committee, not in the House. This is a matter for the committee to take up and I invite the hon. member to go back to committee. No doubt the minister would love to appear again. The committee will be able to work something out, hear evidence and everything it needs to hear to resolve the matter. It is not an appropriate one for the House.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I am distressed because I fly all the time and I now hear that I have a legal obligation to report these things. What is the penalty? What is the document? Can we somehow get that information?

The Speaker: I am sure that if the hon. member asks legal counsel, he will be able to get any legal document that is required. If there are regulations or statutes in force, the hon. member can satisfy that without raising it as a question of privilege in the House. I am sorry it is not a matter of privilege. The laws and statutes and regulations are public. There is legal counsel who could give him advice on the subject. I am sorry, this is not to be discussed here.

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[*English*]

The House resumed consideration of the motion that Bill C-36, an act to amend the criminal code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities in order to combat terrorism, be read the second time and referred to a committee.

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, I listened with great care to the member's remarks. I served with him on the justice committee and know him to be a thoughtful member in the area of human rights. We recently did work on the organized crime bill, the money laundering bill and others, but I was not part of the committee at the time. Those bills were subject to review, I believe.

Could the member share with us his position or his party's position on the review of those acts versus the review of this one, and give me a sense of how they are different?

• (1515)

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, if the hon. member is referring to the review of this legislation that was authorized, we agreed to review the legislation and anything to do with its enforcement to see if it was properly implemented.

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It is not the first time that the Bloc Québécois asks for a provision to be added so that the legislation is subject to an automatic review. I cannot seem to remember what bills exactly we were dealing with, but at the justice committee, we oftentimes consider such bills. Unfortunately, I have no examples that come to mind right now, but I certainly could provide some to the member. Members of the justice committee are often asked to consider such issues and we frequently ask for these pieces of legislation to be reviewed.

What we have before the House is an extraordinary and lengthy measure that gives new powers to police officers, as I said earlier, including the authority to arrest people without a warrant and to proceed with preventive detention.

During question period, my hon. colleague from Saint-Hubert talked about the new powers granted to the Minister of Justice and Attorney General of Canada concerning the enforcement of the Access to Information Act. There is a whole panoply of exceptional powers being granted to the Solicitor General of Canada, the Minister of Justice and the Minister of National Defence.

Since this is extraordinary legislation, a very special bill, the Bloc Québécois is asking for a yearly review and wants the bill to have only a three year life expectancy. If, after three years, it is deemed necessary to renew it, parliament would again get to vote on this bill.

This is a very exceptional set of circumstances for which we need to take exceptional measures.

If the government truly intends to pass extraordinary legislation to balance national security and individual and collective rights and freedoms, if that is what the government really wants, then it should recognize that we are right and amend the bill accordingly.

Mme Monique Guay (Laurentides, BQ): Mr. Speaker, I think we all agree in the House, and my colleague will say once again that we are in an exceptional situation that the House has never had to deal with before.

Terrorism is new to us. We have to deal with it, but we must also be sure that the laws we pass here do not infringe rights and freedoms. The public must also be protected. We do not simply want to say "We are going to arrest everyone for any reason whatsoever".

So it is important that we review this bill and make sure we really need it at certain times. We do not know what will happen in the next year.

Does my colleague not think that it would be preferable, according to events, for us to return to the House and review, improve or change certain provisions contained in this bill?

Mr. Michel Bellehumeur: Mr. Speaker, it goes without saying that, as the member for Berthier—Montcalm, I would support any act that seeks to improve national security, public security.

But we must not go overboard and let people use this bill, whose goals are good and laudable under the circumstances, distort its application and engage in abuse.

As I said this morning, we must not only look at Bill C-36. We must examine it, but with the existing criminal code, with the existing federal legislation. We must also look at it while keeping in

mind the eventual implementation of Bill C-24, which is in the Senate and which is waiting for royal assent.

Let us not forget that Bill C-24, the anti-gang legislation, allows police officers to commit acts that would be considered illegal under any act passed by parliament.

When Bill C-24 was passed in the House, there was no anti-terrorism bill on the horizon. Now we have one. We must look at the bill in its entirety and understand that police officers have increased powers under the organized crime legislation and the anti-terrorism act. All this put together could lead to abuse.

This legislation should be reviewed every year and a three year cut-off date should be set. After three years, this act would become obsolete. It would no longer be in effect, unless parliament brought it back, debated it and passed it again.

[*English*]

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, I will be splitting my time. Given that I have a very short period of time, I simply want to frame two or three quick arguments by way of advice to the committee that will consider the bill.

As everyone has gone to some lengths to point out, these are difficult times.

I would like to start by congratulating all the public servants who have worked so hard to make the very necessary adjustments quickly to provide us with increased security and protection as we sort out what is going on in the world.

I want to congratulate the staff at the justice department. This huge bill amends more than 23 other bills. It deals with some of the most sensitive issues in our body of law, issues that affect our individual, personal and civil rights. It is not easy.

I also want to congratulate the members of the cabinet. It has been little more than a month since the events took place. They got all this work done and produced a bill that is, on a very preliminary reading, quite fair and balanced.

I do have concerns about some of it which I will speak to in a minute, but it was remarkably more balanced than I had feared when I first heard they were coming forward with a bill of this magnitude.

At the same time, there is an old saying that there are two things children should never see: the making of law and the making of sausages. Justice done in haste can carry within it some very big problems. To try to put through a bill of this size, which deals with so many important rights of individuals, raises cause for at least wonder and concern.

I congratulate the Prime Minister in this instance. I listened with great care to his speech last night. I was particularly taken both last night and today with not just his willingness but with his instructions to and urging of the justice committee. He said:

But we all recognize that the legislation has, of necessity, been prepared quickly. Therefore, the role of the justice committee of this House in scrutinizing the bill will be of particular importance. It must examine the bill through the lens, not only of public safety, but also of individual rights.

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With his history in protecting human rights, I thank him for handing that responsibility over to the committee because I am sure it will do a good job. It will give us some time hopefully to reflect on some of these issues.

I really want to frame three arguments here.

By and large the bill does a very good job. It brings into force a couple of United Nations conventions that we had not yet ratified. I would recommend to everyone in the House that they read the speech of our colleague from Mount Royal who went through the 12 conventions in some detail and talked about Canada's leadership role in this area. It is an important opportunity for us to share with the rest of the world some of the expertise and feelings we have developed here.

Some of the issues regarding the changes to investigatory powers could be better understood as modernizing the body of tools that the police have available to them. In fact, the communication technologies have changed rapidly over the last couple of decades. Some of the instruments the police have to do investigations simply have not kept up.

There is a recognition that there needs to be more work done in this area and I believe we will see a more extensive review. This one was done quickly to deal with those most egregious or difficult areas in terms of mobile wiretapping to allow them to take advantage of the various technologies or to interact with some of the newer technologies to track people or to confirm their suspicions of terrorist acts.

I can broadly support that, but given the rapid changes in technology we need a more thorough review of this. I hope the minister will reinforce our intention to proceed with it, even though we have passed some of these articles of the law.

The second area is a more difficult one. Anyone who has dealt with privacy or access legislation knows that there are certain categories of information that not only are secret, but the very existence of them needs to be denied.

• (1530)

It is a funny conundrum in a free and open society. One of the simplest examples, and we went through this when we looked at freedom of information relative to organized crime, is that if we had the right to ask a question not about the substance of an investigation, but about the very existence of an investigation, that could be enough to alert criminals to something of which they were not formerly aware.

In this case some of the secrecy provisions are around information to be received from other countries. It is a necessary provision. The U.S. or any other country will not share with us information that has been uncovered by their systems if they feel that information may be leaked. However it is necessary to have comprehensive arrangements to track down terrorists worldwide. It raises questions though when things are done in darkness and are absent from public review.

There was a question, which I rather agreed with, about the need to establish third party review. It can be done in secrecy. Judges can be sworn. However there needs to be a mechanism. This is a fundamental question: Who watches the watchers?

One of our jobs in this Chamber is to ensure that people's rights are protected. If we cannot for legitimate reasons, and I would say this is only when there is legitimacy to the secrecy, we still need to have an oversight mechanism that is empowered.

In many cases there is evidence of that, there is reference to the courts and we have a lot of opportunities to get a third party involved. However it is not quite as clear in the areas of the Official Secrets Act and some of that information. The committee should have a look at that.

The final thing of which I want to speak is the thing that worries me the most. Perhaps I should not say worries me, but I would like to offer it as a solution to the problem. The problem is we are in an extraordinary time. There is a lot of need to act quickly to address this but we do not know how we will feel about this in two or three years. We do not know how effective it will be. We have made some fairly sweeping changes and they will have an impact on the body of rights that we exercise, so we should consider sunseting certain clauses of the act.

By that I mean not just reviewing, I mean certain clauses of the act should cease to be in effect by a given date, and I have a recommendation on that, unless the House re-debates and re-passes them.

This is not a provision we use in Canada very often and I would not normally argue for it except for two things. The mechanism that we use is one of parliamentary review. We have 32 acts outstanding right now that contain review clauses. The trouble is we do not necessarily get around to it in a timely way.

I note there is a three year review for the Corrections and Conditional Release Act. The bill came into effect in 1992. The subcommittee was established to review the act in November of 1998 and to review it again in February of 1999. We have not been very good at following up on these reviews.

Also, reviews sometimes carry within them the sense that we will just look at it and tinker with it. When it is something as fundamental as our individual rights, they deserve more fulsome debate at a time when we are not immediately under the pressure of the anthrax, or the terrorist attacks or everything else that is going on in this environment.

I can support the passage of the bill, subject to the review and advice from the justice committee, but I would recommend that we do as the U.S. house did when it put a sunset clause that had an interesting kind of additional version to it. I would not sunset the whole bill. I would sunset only certain clauses in it.

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The U.S. sunsetted it for three years. It said that those sections would cease to have effect on December 31, 2004, but it gave an out clause. It said to the president in that case, and we would say it to our Minister of Justice or the Prime Minister, that if it were indicated that the sections were required for national security they would remain in force for two additional years. That would buy a little time if there were concern about this thing failing.

I think that would work here. It is critical that when we get more distant from these events that we re-debate and re-pass these provisions.

I also want to share a bit of information from Canadians. Canadians are quite worried about what has been going on, as one would expect, and there has been a fair bit of surveying. Ipsos-Reid just did a lengthy survey on what people would be prepared to accept. This was within 10 days of the events in New York City.

The question asked was: "Do you agree or disagree with the statement, I would be prepared to see our police and security services get more powers to fight terrorism, even if it means they might tap my phone, open my mail or read my personal e-mail?" At that time, 10 days after those events, only 50% of Canadians agreed with that; 53% in the weighted sample.

Then they were asked "Would you be willing to give up some of your civil liberties?" Again there was an ambiguity about that.

Mr. Geoff Regan: Mr. Speaker, I rise on a point of order. Pardon me for interrupting but I wish to advise you that all government members henceforth will be splitting their time.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, in relation to the member's proposals regarding sunset clauses, it seems to me that there has been a bit of consensus emerging in the House. We now have members from the Alliance, the Tories, the New Democrats and several Liberals who have spoken in favour of sunset clauses, and I think this outline is particularly interesting.

There are some systemic differences between the Canadian and American legislative systems. In the American system the president functions separately from the congress, whereas in the Canada the Prime Minister functions within the House.

First, would a review that takes place or an extension that requires a vote of the House not seem to the member to be superior?

Second, could he be a little more specific about which sections of the law he thinks should be included in the sunset clause?

Mr. Reg Alcock: Mr. Speaker, it is difficult for me to be terribly specific. Frankly, it is a huge bill which I just received yesterday and I am not a lawyer. It references 23 separate acts and does not necessarily give the text of them. It is a huge piece of work, and I thank God every day I am not a lawyer.

However I do have a lot of faith, quiet frankly, in the justice committee. I served on it for a while. I know a good portion of the membership. They are smart as can be. They will give this real review. On the government side, there has been an indication that the government is prepared to accept the advice from the committee.

The member makes a good point about the difference in the two systems, although I think the committee, if challenged, can find a Canadian solution to that. The proposal is really simple: sunset it for a specific date.

The sunset is better than review because it forces us to debate it rather than simply have it done in committee, then table a report saying that it is okay. I would sooner have the House engaged in it, as it should be on issues of individual rights. However, it gives an out clause because we do not know what will happen in three years from now.

It was suggested to me that if we get all these security services ramped up and it has the potential of ending in three years, about half way through people may start getting nervous about whether they have these powers or not. Therefore, give the authorities one extension and at the end of that, it is either reviewed and passed or it is gone. I think that is reasonable.

I would not do that for all acts. Reviews are a legitimate mechanism when we are talking about economic and commercial acts. However, the bar should be higher when we talk about things that affect our rights.

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, unlike many of the debates that we have in this place, this is an issue that Canadians are fairly seized with. The number one question that most Canadians would ask is: How will this affect me? Will this bill give broad sweeping police powers to the state and interfere in my everyday activity, or is this a bill that will provide safety and security for me and my family?

It is important that we discuss this bill in the context of both of those questions. Bill C-36 is in fact an anti-terrorist bill. It is not an anti-immigrant bill, anti-refugee bill, anti-Muslim bill, anti-Afghani bill, anti-Pakistani bill, or anti any of those things because if it were it would truly be anti-Canadian. Unfortunately the debate around this entire issue is in some quarters, mostly the media, focused on this aspect.

There have been many times in this place when my friends opposite and I have disagreed, sparred and had vociferous debates. However this is a time when parliamentarians on all sides of the House have shown that their number one concern is for the safety of Canada.

I congratulate the Leader of the Opposition and the other leaders of the opposition, even the leader of the NDP. Even though we may not agree with her particular position on this matter, there is a constituency within Canada that shares her viewpoint. This democratic place called parliament is the place where those kinds of countering viewpoints need to be put forward.

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I am interested in some of the suggestions made by the previous speaker regarding sunset. There is a section of the bill that requires it to be revisited and debated in three years time. Whether it is an automatic review in three years or a cancellation of certain policies, unless they are reaffirmed in this place they are all issues that can be fairly and effectively dealt with in committee. They are technical aspects as to whether or not certain search and seizure aspects of the law should be continued or discontinued.

Should there be a wiretap that lasts one year instead of 90 days? Should there be intrusive abilities to monitor situations within this country, abilities that we would probably not have supported on September 10 of this year?

Since September 11 we have had to look at life through a different prism. Canadians are frightened and justifiably so. However, what concerns me is some of the hysteria that has literally thrown gasoline on an open flame.

I refer to recent allegations in the media last week which said that 50 refugees from Afghanistan and Pakistan had been allowed into the country without any security checks whatsoever. I can say that the switchboard, if we want to call it that, in my constituency office lit up. People were concerned and outraged as to how this could happen.

I too was concerned as to how we would allow someone in, particularly today but at any time in our history, without a reasonable security check and so I investigated. What did I find? I found that there was not one refugee from Afghanistan or Pakistan.

On that given day at Pearson airport there were indeed 29 people who applied for refugee status, which is not an unusual occurrence. The largest volume of refugees come through Pearson airport. Each and every one of those people was fingerprinted, photographed, checked through CSIS and cross-checked through the RCMP. No one was allowed to enter the country without a security check.

I will not be critical of anyone in particular in this case. However some members have said that when refugees come to this country and are a security risk or a flight risk, meaning they will not turn up for their hearing, then they should be detained. They are detained if those determinations are made.

I can take anyone who wants to go to a number of motels in the Brampton-Mississauga community that have been acquired as detention centres by the federal government to see families languishing. If there is a problem in our refugee system, and there is, it is in the length of time it takes to process the applications to provide a fair hearing.

We believe that Bill C-11, which will be before the House after it passes through the Senate, would help in that regard because it would allow single person panels instead of the three people needed to hold the hearings now. That should triple the number of hearings and should speed up the process dramatically. That is a case of human rights that need not interfere with this bill or any bill that targets anti-terrorism.

I wholeheartedly support Bill C-36. It is a response that our government has put forward in a timely, thoughtful and well researched way which says to Canadians that the government will

fight terrorism with its friends in America, Great Britain and around the world. We will stand united as members of NATO as we have in other conflicts in the world.

A clause was invoked as part of our agreement with NATO known as article 5. Article 5 states that when a member of NATO is attacked all members are attacked. It is an all for one clause. If any Canadian falls through the cracks of discrimination in our zealous attempt to fight terrorism, the attack on that individual Canadian citizen is an attack on all of us. I caution that it can and does happen.

● (1545)

Let me share with the House the experience of a gentleman by the name of Mohamed Abdel-Aziz Attiah who was an engineer on contract with AECL at Chalk River. He was a Canadian citizen for 27 years. He is married to a Canadian citizen and has four children born in Canada. He moved from Mississauga to work at the Chalk River facility.

He was interviewed recently by CSIS and the RCMP for 90 minutes after which there were no charges, but because his name was Mohamed Abdel-Aziz Attiah they remained suspicious. They were concerned about security. There were no charges laid against the individual but after he went out for lunch and arrived back at the facility that he had worked at for some time, and at which he was being offered a permanent position, he found that his security card had been cancelled with no explanation and no reason. Today he languishes without a job, without an income and with a wife and four children, trying to understand.

Is it because of his name and heritage that he was fired? He asks what he did wrong. They trusted him before September 11. He wants to know why they do not trust him now. Is it because his name is Mohamed?

I know no one in this place would support that, yet it is a current case. It is an unjust case and in passing an anti-terrorism bill we must ensure that people like Mohamed and others are not discriminated against. This is not McCarthyism in the 1950s. It is clearly a united attack against terrorism that can come in any nationality, any skin colour and from anywhere in the world, even right here in Canada.

Mr. Ted White (North Vancouver, Canadian Alliance): Mr. Speaker, before asking a question I wish to advise the House that October 30 is prostate cancer blood testing day. The speech by the hon. member was quite interesting because he mentioned the case that was widely reported in the newspapers of refugee claimants who were released at Pearson airport, supposedly without proper background checks.

I am a bit puzzled because he claimed that none of them were released without the proper CSIS checks, fingerprints and so on. Yet immigration officials told me that it takes up to 12 months to check the fingerprints that are taken at the point of entry when refugees come into the country. The Ottawa *Sun* reported on Tuesday, October 9:

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Some 50 refugee claimants who arrived at Pearson airport on Sunday after fighting began in Afghanistan were released without proper background security checks and despite an FBI alert that terrorists could retaliate in North America, immigration officers say.

Immigration officers said they were released without proper checks. Frontline officers said the claimants, some of whom were Afghani and Pakistani nationals with no identification, arrived at Pearson on European flights hours after the attacks began. From where did the member get his information that they were not released without proper checks?

Mr. Steve Mahoney: Mr. Speaker, I do not get my information from the Ottawa *Sun*, the research organ the individual member chooses to quote. The information is incorrect. I get my information from within the department and I have verified the facts.

If the member wants to make this into a partisan issue he picked the right guy to do it with. Not one of those people was from Afghanistan or Pakistan. They were all cleared. Again the face of the Canadian Alliance shows its true self in relying on false information from a newspaper document with no attribution and no proof, nothing but scurrilous accusations.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I agree with the hon. member and it is not often I do that. I visited the motels that he talked about where refugees are detained. Some of them have been detained for up to two years and that is a problem. We all realize that.

However, what is not correct is that they are not all detained. Thousands have been released from these motels with a promise that they would come to a court date some time in the future. That is not just in the Toronto region but it is also on the west coast and in many other places. Therefore thousands of people have disappeared because they fail to show up for their court date. That is a problem, and he failed to mention that in his speech.

Does the hon. member believe this legislation should include a clause that absolutely outlaws membership in an organization directly tied to terrorism?

Mr. Steve Mahoney: Mr. Speaker, the position of the minister and the government is that our main concern is the actual activity as opposed to the membership. However it is an issue that should be raised in committee and should be discussed. There could possibly be an amendment. I do not think it is an unreasonable suggestion. We should hear both sides of that argument

However I say to the hon. member that the primary purpose of the legislation is to identify, prosecute, convict and punish terrorists. The key word is identify. I think the hon. member would agree with me that we want to make sure we are identifying the proper people who are in fact engaging in terrorist activities and not make mistakes.

We should not go running off in the wrong direction that will cause hardship to people like the gentleman whose example I quoted, and others who are fearful and afraid to even speak up on this kind of issue because this is not the time to do anything but rattle the sabre and stand strong.

Members should make no mistake that any suggestion that people's rights must be protected within this great land is not a suggestion that we should in any way weaken our attack on

terrorism. We must stand together with our allies. We will do so and the bill goes a long way toward helping out in that direction.

•(1550)

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I would like to advise you that I will be sharing my time with the member for Langley—Abbotsford. Yesterday I rose in the House to congratulate the government for doing the right thing in committing Canadian troops to join the coalition in the military effort in Afghanistan. Today I rise again to congratulate the government for doing the right thing in bringing forth comprehensive anti-terrorism legislation which will address some of the concerns that need to be addressed.

The legislation being proposed does in some ways appear to be similar to the United Kingdom terrorism act legislation of 2000 and is comparable to U.S. legislation, but it is still lacking in some very important areas which must be addressed.

[*Translation*]

For over one month we have been asking the government to introduce anti-terrorism legislation and today we are pleased that the government is taking action.

[*English*]

The official opposition was calling for a clear Canadian commitment to provide military support to the United States and for anti-terrorism legislation a long time before September 11. I am not saying that out of any sense of partisanship. I point out that it is the duty of the official opposition to point to areas where we feel the government is not moving strongly, quickly or adequately enough and to encourage the government to take action.

Precious time in the war against terrorism would not have been lost had the measures that we asked for been in place on September 11. The most important role of government is to act as the guardian of the public, particularly in times of great national and international crises such as we faced since September 11. It is the role of the official opposition to be a guard of the guardian. It is the role we played and will continue to play as far as our national response to the threat of terrorism goes and how it unfolds.

On September 18, a week after the horrific terrorist attacks on the United States, the official opposition brought forward a motion which compiled a comprehensive list of those items we had been focusing on for some time previous to September 11.

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We called for the naming of all known international terrorist organizations that were operating in Canada, a complete ban on fundraising activities in support of terrorism, the seizure of assets belonging to terrorists or terrorist organizations, the immediate ratification of the international convention for the suppression of financing of terrorism, the creation of specific crimes for engaging in terrorist training and terrorist activity in Canada or inciting terrorist acts abroad from Canada, the prompt extradition of foreign nationals who were charged with acts of terrorism even if the charges were capital offences, and the detention on the deportation to the country of origin of any people illegally in Canada or failed claimants who may have been linked to terrorist organizations.

In a war on terrorism there are many things that should be done but there are a few things that absolutely must be done. If the purpose of the legislation is to have a wall, to block the flow of terrorism and terrorist activity, the wall is of little use if it is of strong concrete in some places but has gaping holes in others. It is the holes in the wall that we need to address.

The elements being brought forward by the government do not deal with the issue of detention and deportation of failed claimants. It does not deal with that issue at all, and I suggest that it is a huge and gaping hole.

[*Translation*]

We hope to have the opportunity, when the bill is reviewed by the Standing Committee on Justice, to improve this anti-terrorism legislation.

[*English*]

These areas must be addressed. The bill would allow the government to create a list of known terrorist organizations. We have been asking for this for a long time. We named the Federation of Associations of Canadian Tamils, or FACT, from the government list as a front group for the terrorist Tamil tigers, an identification which had been made not by us but by CSIS, as well as the U.S. state department and the government's own justice and immigration department lawyers.

We took the government's identification of that group as a dangerous group and were accused by the government and its members of smearing innocent Tamil Canadians. That is absolutely far from the truth and that unreasonable part of debate should not be entertained in the House.

The items we are dealing with here are too important to lower ourselves to that kind of accusation. What the government apparently did not want to acknowledge is that Tamil Canadians are among the victims of the Tamil tigers. They have been tricked, cajoled and bullied into supporting terrorist activities through supporting front groups.

While the bill allows the government to list terrorist groups and their front organizations, it does nothing specifically to prohibit membership in those organizations. It only allows for criminal prosecution where individuals actually perform terrorist acts or other crimes related to terrorist activity.

It is possible under the legislation the government is suggesting that al-Qaeda, which is clearly known to be a vicious terrorist

organization responsible for the vicious slaughter of thousands of people, could be named as a terrorist organization. Its members across Canada could stand and freely wave and proclaim the al-Qaeda flag. That should not be the case.

In the United States and in Great Britain it would be enough, if it were proved that an individual was a member of a type of organization like that, to allow members of security forces to arrest and detain that person.

We have to remember we are talking about groups of people whose sole reason for existence is death, destruction, terror and destabilization. It would be useful to prosecutors to have available a lesser charge of membership in a terrorist organization like that to bring suspected terrorists into custody. It is very necessary legislation.

Another weakness of the bill is that it continues a policy which has been roundly criticized by many of the government's own members, especially the member from Mississauga. It is something that we call volume discounts for mass murder.

Canadians, including members on the government side of the House, are appalled that multiple murderers cannot be convicted to consecutive life sentences, in effect keeping them in jail for life. We heard ministers on the other side of the House state that life means life in terms of how the government applies the law. It does not. That is simply not a fact. After 25 years a mass murderer is eligible for release and parole. We can produce a list of people already in that category walking the streets of Canada.

Crimes of terrorism are deliberately aimed at the death and destruction of people. We believe judges must have the option of convicting terrorists to consecutive life sentences without any possibility of parole. That should be absolute.

A third weakness is that the bill, unlike the comparable U.S. legislation, does nothing to ensure security from people arriving on our shores from other countries who may be linked to terrorist activities. Canada has a reputation, quite properly, of welcoming people who want to come to Canada, who believe in freedom and democracy, who want to live here, raise their families, and pursue their hopes and dreams.

Our arms are open and have been to those types of people, but we also have a reputation of being somewhat of a haven and a magnet to people who want to come here who do not appreciate freedom and who want to take away and destroy the freedoms that others enjoy. We need to shed that reputation.

We ask for legislation that will give immigration officers and judges the power to detain claimants who arrive in Canada without documentation or where there is reasonable suspicion of involvement with terrorism or organized crime. Detention should be permissible until claimants are able to prove that they are who they say they are and are not a security risk.

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•(1555)

This happens in the United Kingdom. It happens in the United States. It happens in Australia. It happens in other freedom loving democracies. It should happen here. It is another gaping hole in the legal wall the government is trying to build, a wall that is concrete in some places but has holes in it that will not stop the flow of the worst type of terrorist activity. These holes attract the bottom feeders of society, the terrorists themselves to whom I refer. They will find the holes, and the holes must be closed and closed firmly.

Fourth, we note that the legislation does nothing to improve procedures for extraditing suspected terrorists to other jurisdictions. Because of the supreme court decision in *Burns v Rafay* it may prove practically impossible to deport a terrorist to a country, for instance the United States.

This would include people who have possibly masterminded the atrocity in New York City, with the deaths of thousands, coming to Canada. This does not allow them to be deported just because the sanctions for their crime are different from the sanctions that we would have here. That is inappropriate.

We need to address these issues and we need to provide the resources. The minister talked about \$250 million and \$64 million for law enforcement. On the one hand that might sound impressive until we realize that the amount of money the federal Liberals are saying should be available is actually one-tenth of what they have spent on a faulty system of registering the shotguns of duck hunters.

The priorities are wrong, which is another reason we need a budget in place. There must be a budget. This country should not be known as a country that is now going into two years without a budget. We need that in place so that we can help the government move from areas of wasteful spending and low priority spending to the areas of high priority spending that really matter to Canadians.

Those are the thoughts and principles that we will be taking forward as we address our concerns about the bill. We need to ensure that Canada is a place which invites those who love freedom, peace and democracy but slams the door firmly on those who do not.

•(1600)

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, the hon. Leader of the Opposition referred to FACT. The unfortunate part is he does not know what FACT is made of. He has not visited the offices of FACT or even spoke to the people at FACT.

I would like to lay on the table a couple of facts regarding FACT. I notice the member sitting beside him is also sharing his leader's vision. FACT is a coalition of Canadian citizens. It is located in my riding. The turmoil that the party in opposition put my constituents through last year, especially my Tamil constituents, is a shame.

During its war on FACT as well as its broader war on the community, I had children going to school who were ashamed to say they were Tamils. I had children who were coming home asking if they could change their skin colour. This is what the war of the opposition party created in my riding.

There are four words I am sure that leader and his party will certainly embrace today. Those words are celebrate, accept, respect and embrace. We celebrate our differences in Canada. We accept our

neighbours as equals. We respect the people who are coming into our country and most of all we embrace them.

The unfortunate fact is that opposition party did not use those words. It certainly did not demonstrate that when its leader came to the community and put a lot of my constituents' children at risk with its rhetoric last year and the way it is continuing. I am ashamed to hear the same rhetoric today.

My question is for the Leader of the Opposition. When was the last time he first and foremost went to speak to the individuals at FACT? When was the last time he visited the offices of FACT? When was the last time he spoke to the Tamils in my constituency after what their children were put through because of his party's rhetoric?

I am ashamed of the way the opposition is going. Does the hon. Leader of the Opposition really care about those children? Does he accept, celebrate, respect and embrace those children? Certainly not.

Mr. Stockwell Day: Mr. Speaker, this is an example of what I just referred to, of sliding to an unacceptable level of debate when we are talking about legislation.

We will not stand for the insidious question and the insidious remarks by the member suggesting that we are concerned about anything less than the safety and security of all Canadians.

•(1605)

We are not wilting in the light of that insidious type of language. It is time to be mature when we talk about this issue.

In the last election campaign we had more candidates of ethnic and minority groups than any other party, including the party across the way. As we sit here today there are more MPs of non-European descent in the Canadian Alliance than in any other party. We proudly stand for all Canadians.

This member is telling me about FACT and about naming a certain group. If he were really sincere about this concern he should have talked to the groups and organizations, not the Canadian Alliance that talked about the group FACT.

It has been identified as such by CSIS, by the U.S. state department and by his own Department of Justice and Department of Immigration and Citizenship lawyers. I wonder if he has addressed those people or if he is just getting political here.

Mr. Paul Szabo (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, I wanted to ask about something else but I have to support my colleague from Scarborough. The Leader of the Opposition, as leader of the then Reform Party, raised the issue about a couple of ministers including the mayor of Toronto and other councillors being at a dinner for Tamils. He knows the Tamil tigers are terrorists, but he labelled all Tamils. We have been saying all along in the debate on terrorism that not all Afghans are terrorists. We must support the Afghans.

It would be correct for the opposition leader to apologize to the member for suggesting that it is insidious when it is the Leader of the Opposition who raised that dinner again in his speech today. He raised it again and labelled all Tamils. Does he also label all Afghans as terrorists?

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Mr. Stockwell Day: Mr. Speaker, I hope the people watching are seeing this total departure from fact. There is nothing in here about dinners with anybody, and the member should acknowledge that. I also defy him and challenge him to produce at any time, evidence that any member of this opposition took a whole group of people and clumped them into one. Has he asked his minister why he attended a certain dinner when he had been advised by government officials not to attend? I would ask that question.

We make it very clear that we are supporting legislation to continue the fabulous reputation Canada has established of having open arms for all people who want to find asylum here, who love peace and democracy, to raise their families as such. We stand unashamedly slamming the door on people here who want to take away those freedoms.

When we have groups that are named by department officials in CSIS, then yes, we will ask those questions. I would hope they would start dealing with the elements of debate.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, I think the folks at home should listen very carefully. It is interesting to see how those individuals across the way start to detract from the main issue of terrorism and some of the problems that are not even addressed in the terrorism legislation and degrade the discussion by something that they are doing.

I want to address some facts of which these individuals across the way are probably not aware. I am the only individual in the House who has actually been an intervener in as many as maybe eight or nine deportations of criminals from this country. I will go through seven cases for those at home and those listening in the House.

They are not terrorists but they very well could have been terrorists. The same applies to terrorists except that the rules I am about to go through are not being changed as far as the government is concerned. I will go through this case by case.

At the end I would like the government to ask itself if it is really addressing the real problems inherent in our system as far as criminals are concerned, whether they be criminals moving from north or south of our border, whether they be terrorists in the definition of terrorist today or whether they be people who should not be in our country for whatever reason.

I have to give a brief description of it because I do not enough time. I want to briefly talk about an individual from El Salvador who came into our country, raped a woman and had nine or ten extra convictions while here. He raped a second woman. That lady agreed to stay the charges if he were deported.

The government then escorted and deported the person to El Salvador. It was while the lady was getting gas for her car in my community that she found out he was back in the country within six months claiming refugee status. We have physically deported somebody. He came back into the country and was given a refugee hearing. It took me two years to get rid of this fellow again. He knew it was a haven here. He knew he could stay and would have stayed had I not been an intervener in that case.

This condition still exists today, whether a person is a terrorist or any other kind of criminal. That condition has not been changed by any legislation.

Let me describe another case of an individual from Laos. He was involved in a murder. He went to prison. He applied for refugee status while in prison and after a one hour hearing it was granted. It took me two years as an intervener to get this fellow deported. He would have stayed here had I not been an intervener.

He could have been a terrorist. He was a murderer, not a terrorist. The condition still exists today where a terrorist can be in a prison in Canada, apply for refugee status and receive it while in prison.

Let me describe another case of an individual who came in on a visitor's visa. This is the same thing that a terrorist can do, although this fellow was not a terrorist. He was charged with assault almost immediately. When he heard I was after him for deportation he was advised to apply for refugee status.

He applied for refugee status. I applied as an intervener. As all refugee applicants can do, he applied through the refugee board to exclude me from the hearing. I had to fight that and I won. Just before we had him ordered deported, he abandoned his claim. Everything stopped and he disappeared.

About eight months later I found out he was applying for refugee status for a second time in Calgary. I went to Calgary and applied as an intervener. He kicked me out. I applied to fight that and won for a second time. This time we won the case. His refugee claim is disallowed.

I told the refugee board to hold him because he was a jumper, that he would leave, that he would disappear in Canada. It would not do it. He has disappeared and we hear he is in Winnipeg now waiting to apply again.

This happens today whether the individual is a terrorist, a murderer or a rapist. It does not matter. Those are the kinds of issues that are not being addressed in the House. Those are the issues that the Americans are concerned about.

•(1610)

Speaking about the Americans, I just had a case of an individual from Cuba. He came into Canada. He hooked up with a young, 15 year old kid. The parents came to me and wanted me to do something. I went after him. He applied for refugee status. In the refugee hearing, after he excluded me and I won the right to stay in the hearing again, I was passed a document that said he was wanted in the United States. He had been there for four years. He was not a refugee from Cuba. He was a refugee from prosecution in the United States.

This guy could have been a terrorist. If he were a terrorist the same rules apply today as they did then. I told the police and the refugee board to hold this fellow, that he was a skipper, that he jumps. He jumped from the United States to avoid prosecution. They would not do it. He is gone with the kid. I hear he is in Edmonton. This is the identical rule under which a terrorist would operate.

There is an individual in prison in my community who has been deported from this country over 20 times. One has to work at that. That is a problem. He is an American.

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I had a call a couple of weeks ago from fellow who said he was from Oklahoma and was in my community. He wanted me to pay for a few nights at the Travelodge. He said he was a refugee from Oklahoma. I said there is no such thing as a refugee from Oklahoma. He told me he was avoiding political persecution. I asked what were the charges. He is not avoiding political persecution. He is avoiding prosecution.

These individuals in the United States will move to Canada as a terrorist would under the same rules and apply for refugee status. That is wrong.

Christopher Dawson is a dangerous sex offender. I have been working on this case for a long time. To be labelled a dangerous sex offender in this country is a serious charge. He got a passport from Canada while in prison. This is serious. The same rules apply today. That can happen.

Where I come from, if he gets a passport and lives on the border he is going to go to the United States to get some child and run back to Canada to avoid prosecution. These rules exist today whether or not someone is a sex offender, a murderer or a terrorist. I have been saying this in the House for eight years. This is serious and it is not being addressed.

There is only one other thing I want to say about the money that the government is spending on some of these projects. We have a commitment from the government to develop a national sex offender registry. It will not live up to its commitment that would have been about \$5 million or maybe a little more. In times of crisis I am perplexed as to why a government says it is throwing money into all of this and will work it out later. The country has been begging for a national sex offender registry. It is the same thing I am talking about. They are different priorities.

It is a priority the government does not seem to understand. I do not know what to say except that these are actual cases. I do them all the time. I am very familiar with them. I could tell the House of 10 or 12 more. The problem is the government is not addressing these circumstances at all in this legislation.

• (1615)

Mr. Ted White (North Vancouver, Canadian Alliance): Mr. Speaker, the hon. member reminded me of numerous cases in my riding as well. I could read off a list, but I will point to a particular case which highlights another area of the existing rules which creates problems.

A refugee claimant in my riding was forging passports from his home. It took about three years to finally get the case to court. The guy claimed he had no means of support, but he was driving a brand new Explorer and living in the British Properties in Vancouver.

The judge gave him a six month suspended sentence. On the very day that he was in the court getting a suspended sentence for forging passports someone else was standing in for him downtown at the citizenship court and getting his Canadian citizenship.

There is another example of existing rules which create problems that terrorists use. Because our citizenship process does not properly identify the person coming down to the court house, anybody can

stand in and get citizenship for people like the person I just mentioned.

Is the hon. member aware of that problem in the citizenship office? Has he experienced similar problems in his riding?

Mr. Randy White: Mr. Speaker, I know the hon. member for North Vancouver has similar problems as I have in my riding. We do not live that far apart.

These situations exist. The government knows they exist. When we hear that there are 27,000 people deported who are still in the country, I do not know if the number is right or wrong. I do know that I personally have dealt with well over a dozen and fought every case. Every time I won the case and the refugee application was rejected because of some criminality or something, they skipped and they stayed in the country. It has all been a waste of time. The only ones left behind were the victims.

Of those who have deportation orders who are in this country today, I would hesitate to guess how many are actual terrorists. With that number of 27,000 I can guarantee the number is somewhere above 50 or 100 or whatever. I just do not know.

This issue is serious. I ask the government for the umpteenth time to address that particular issue in the legislation.

I want to mention another thing. I received a rather interesting suggestion from a lady by the name of Julia Milstead:

The idea I had today would take time before it could be implemented, but after the fault of the terrorism is proven beyond a shadow of a doubt (which I'm sure will happen) the frozen assets of the terrorist organizations should be distributed to pay for some of these costs. Part of the punishment for their crimes should surely include retribution, so the terrorists should be paying for these costs as much as possible. I don't know how much of the costs the frozen assets would cover, but I think it only justice that their assets should go completely toward these costs.

It is not a bad idea when we think about it. It has to be worked out. These are the kinds of things the government has to get into, looking at options and alternatives which may well provide better answers and solutions.

I am not saying that the legislation tabled is useless, and I would if I felt that way. I think there is a lot of good in the legislation. The government just has not dealt with one of the critical things which is the people who are still here and who are still mobile. Some of them probably are terrorists who are able to distract, destroy, disrupt our country and the Americans'. Do not forget that the Americans know this just as well as we do. With respect to everything I have said here today, the Americans know what I am talking about.

• (1620)

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I am sharing my time with the member for Hamilton West.

I appreciate the opportunity to consider the bill that is before the House. Rather than read through all the points that other people have said, I thought I would convey some of my thoughts about what I hope the committee members will look at when the bill is before them. They have a very difficult job looking at legislation and they do not have the vast experience of another context. This is a new context for all of us. It is a new context for the legislators, for people in our enforcement agencies, for the people who have drafted the bill and for all people who have anxieties.

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We have to be calm and we have to be rational. This legislation will last longer than our fears. This legislation could last indefinitely.

There are provisions in the legislation calling for a three year review. I have already heard many people suggest there be sunset provisions, to use the common vernacular.

I have to think of the practicality. What would it mean if we were in the middle of a case and this legislation sunsetted based on provisions in the legislation? Perhaps the committee could consider sunseting parts of the legislation, perhaps some of those provisions that are the investigative hearings or the preventative arrest, new procedures that we are coming to. Perhaps we could look at that. To see what are the practical advantages and disadvantages perhaps would be something worthy of attention by the committee.

Earlier I heard statements indicating that we will not be testing this at the supreme court for constitutional predisposition. It is not impossible but it is very difficult for courts without factual situations to deliberate on the constitutionality of a law. Usually individual cases have different levels of hearings from trial to appeals all the way up to the supreme court. They are heard on the basis of specific facts of whether a provision is inside or outside, constitutional or unconstitutional. If it is unconstitutional, it is void and we start over.

The bill before us today is new. It must have been incredibly difficult work for the teams of lawyers and parliamentarians around the cabinet table to look at this legislation and try to make it charter proof. Many of us would agree that some of these provisions are riding pretty close to what we would consider a normal edge.

All of us in this Chamber are concerned about the charter of rights and freedoms. We fought very hard in Canada to get that charter. We do not want to give it up lightly. It is our obligation as parliamentarians to closely scrutinize this bill. There is a need to get some appropriate legislation in place, but we do not have to be on the steamroller. We can take the time to ask questions, to do the work, to make the necessary examinations and to call a number of witnesses who are experts in their various fields. We also have to live with the reality of today. It is a different world after September 11.

Let me go back to before September 11. We think this is a new bill. I am a member of the finance committee and last spring we looked at Bill C-16, the deregistration of charities provisions. It has found a new life as part 6 of this bill. The whole bill in theory is under the auspices of the Minister of Justice. However part 6 is actually under the auspices of the minister of revenue and the solicitor general. That is the reincarnation of what was Bill C-16 except there have been a few changes.

One of the major changes is the inclusion of definitions of terrorism that were missing in Bill C-16 and which the committee had stated were needed. It also changes the period of potential inquiry into hearings from three years to seven years. That is quite an incredible increase.

What else is different about these parts? First let me speak to the parts that are specifically under the Minister of Justice and all the various provisions, whether they are changing other pieces of legislation or are new punishments, new crimes or new powers.

In large part society is leaning toward the acceptance of security over freedom, except we always have to take into account the

proportionality test that any court would look at in a piece of legislation like this. Are the crime and the outcome related? Are they proportional? This is when section 1 of the charter comes into play.

• (1625)

Even though I have not gone through all of these sections in detail, I believe that a large number of people in Canada will come to the conclusion that even though these are unusual limiting provisions and procedures, they would be willing to go this far in these extraordinary situations. The proportionality is there, although it is not laid out in stone.

The proportionality test is different in part 6. Part 6 is not about criminal law. In criminal law there has to be mens rea. The person has to have thought about it. The person has to have knowingly done something wrong, it has be proven beyond a reasonable doubt that it was wrong, and then there are consequences.

There are a lot of safeguards in that system. Beyond a reasonable doubt is a very high standard. It is difficult to prove and there is a good reason why it is difficult to prove. We have higher sentence structures in the bill. I agree with those structures.

Part 6 is an administrative procedure that is talking about the result of stripping a charitable status. That is the outcome of all of the procedures.

There are some provisions based on something we are already doing as a government in section 40 of the Immigration Act to set up a special procedure where there is a hearing before a judge. Under the Immigration Act it usually is the immigration minister and the solicitor general. In this particular piece of legislation it would be the solicitor general and the revenue minister, CCRA. They will take some evidence. The evidence they want to show is not evidence that would be revealed in a court. Why? It is sensitive classified material. Perhaps it puts at risk a personal information source.

The ministers have to take this on reasonable grounds. Basically this is the level of proof when someone is charged and there is an arrest. This is not beyond a reasonable doubt. It is not the civil balance of probabilities. There are different bars. It is a fairly low bar.

When we were examining this section, we were concerned with a series of potential problems that could have a very chilling effect on the charities in Canada. These charities have made their views known. The committee had not finished its hearings. In fairness to the government, it had not made its case yet.

Serious concerns were laid out. People can read our data in the finance committee transcripts of the hearings last spring. The government was aware of these. We thought the legislation would not go in the form it was in. We thought there could be changes. In fact, it came to us for our input because it was draft legislation.

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It is here now and it is unchanged. Many organizations are fearful of the outcome of this legislation. I particularly want to say that this procedure under subsection 40.1(5.1) has never constitutionally been upheld in any court because it was excluded by the Attorney General of Canada in the Ahani decision on section 40.

I have made my concerns known to members inside the various departments here. I will have them give my concerns to anyone who is interested. There are many good areas which we have to look at carefully. I am supportive, as would all of us be, the doves and hawks, of getting the work done and dealing with terrorism.

• (1630)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I address my comments to the member who has just spoken. I know she would agree with me, with the exception from time to time of a partisan outbreak that we saw a few minutes ago, that there is a very sincere effort on the part of herself, myself and the vast majority of members of the House to get on quickly and expeditiously with the bill, that it be proper and balanced, that it get the job done and that the people of Canada be protected by the bill.

Within a democracy, we have a very interesting situation. While we as people are persons and our property is protected by the police, by the same token, within a democracy and free society, we are also protected from the police and unreasonable police action.

Therefore it is very important, as we put together the tools the police will need to work with, the legislation and laws, that we make sure they have a full complement of tools so they do not have to use tools that are not there, in other words, that they do not have to use a screwdriver as a chisel or vice versa.

One of the difficulties expressed by my party and other critics of the legislation is the fact that there is no prohibition within this omnibus bill for membership in a terrorist organization. Because that is missing, it removes the lowest possible threshold for the police to start or continue exploratory activity with respect to possible terrorist connections. In other words, by having a very simple prohibition starting at the lowest possible level the police would then be entitled on the basis of reasonable suspicion to continue to ramp up their investigation.

I wonder if the member would agree with me that when the committee is looking at this it would be very wise to consider seriously and probably include an amendment to the legislation that would include the prohibition of membership in terrorist organizations so that the police have the smallest of the tools, the starting point of the investigation process.

• (1635)

Mrs. Sue Barnes: Mr. Speaker, I would be very happy to answer the question to the best of my ability. I am not an expert but I think experts would tell us that freedom of association is a charter right. As such, if we just take pure membership we would then be making this law unconstitutional. I have heard it said by the hon. member's leader and by many other people that it is one of the basic principles, which is what we are talking about when we talk about balancing rights and freedoms.

If I were a parent and my children were misbehaving I would not tell them that they were wrong or that they were bad children. I

would tell them that what they did was wrong and that they should change their activity. It goes to what we are saying here. I like the way the bill has crafted definitions of terrorism. We are taking it away from the concept of groups of people and putting onto people doing wrong activities, terrorist activities.

I like how we have gone to the 12 international conventions. I certainly applaud that we are now able to accede to the last two conventions and that we are the fourth in the world on one of them.

The understanding of where the balancing act should be is important because otherwise we would have a sledgehammer coming down and the tools we were searching for would be lost. The balancing act has been done for very good reason.

I am actually concerned about a lot of the tools we are now giving to the police. I am concerned that the knowledge and safeguards we might have on some levels may not get down to the operational level. However I believe people are well intentioned, including the police and enforcement services.

We need to go forward with a little faith in the system but if I had my druthers I would rather go forward with the protection under the charter of rights and freedoms.

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I have heard all day from the opposition that this is bad, that is bad, this terrorist and that terrorist. They never gave an example of good individuals, people who came to Canada, made an effort and after five or six years were successful. Two of those individuals live in my riding. One is Mr. Anthony Sellarajah who owns Lincare Ltd. and employs 100 people. He came to Canada as a refugee. The other one is Mr. Davood Farouzyan who owns Land Construction and employs about 150 people.

Could my colleague from London West share some positive examples of people coming into Canada?

Mrs. Sue Barnes: Mr. Speaker, I will speak as an immigrant because I am an immigrant. I came here from Malta and I became a Canadian citizen when I was about 14 years old.

I think most of us coming to this country celebrate the freedoms we have here and we try to contribute to the best of our very diverse abilities.

As an immigrant, there is nothing wrong with wanting to retain one's heritage or attending a Maltese Canadian club, an Italian Canadian club, a Tamil organization or a Sikh organization.

Among the Canadian population, people may be doing activities that no one in this Chamber would agree with. What we want to do is weed out the terrorist activity and the financing of the terrorist activity but we must do it with the right tools.

Mr. Stan Keyes (Hamilton West, Lib.): Mr. Speaker, the introduction of Bill C-36, the anti-terrorism act, stands as the fulfilment of the government's continued commitment to combating terrorism, a commitment that we have practised since our election and which was exemplified in our capacity to respond immediately to the horrific events of September 11.

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To further extend the response capability and capacity of our country, we have introduced the bill with the intent to provide further tools to our law enforcement and national security agencies. The bill would aid in the task of rooting out terrorist organizations, and that will curtail future threats to the health and well-being of our citizens.

As such, the proposed act, while extending the powers of our security agencies to combat hate crimes, is consistent with and predicated on the word and spirit of the Canadian Charter of Rights and Freedoms.

It is of central importance that while finding an appropriate response to the current situation we act in accordance with the principles and values for which this country stands and which, as representatives of our respective communities, we must uphold.

Bill C-36 is designed to help us do exactly that. The new anti-terrorism plan has four key objectives: to stop terrorists from entering our country and to protect Canadians from terrorist acts; to bring forward tools to identify and prosecute terrorists; to prevent our borders from being held hostage; and to work with the international community to bring terrorists to justice and impact the root causes of such hatred.

The bill would help protect our borders economically and, just as important, it would protect the principles of openness and acceptance that are fundamental to the Canadian spirit. These are difficult times that require difficult decisions.

I have a message for my constituents in Hamilton West and my fellow Canadians. It is for them to go about their daily business and their daily lives as usual, to understand that we must now live in a state of heightened awareness. The bill is a response to and an expression of that heightened awareness.

In the fight against terrorism, there are many weapons in the Canadian arsenal. Some of these weapons are legislative, such as the bill before us today and some include the skills and commitment of our local and national security agencies and the capacity of our armed forces.

However there is another weapon that is often overlooked. It is the strong character of our country's pride in our commitment to cultural diversity. With this pride resides the confidence that hatred and violence will never find a home here in Canada.

It is from the wellspring of this pride that our Prime Minister recently asserted that "Canada will not use the justification of national security to abandon our cherished values of freedom and tolerance. We will not fall into the trap of exclusion".

One of our country's most enviable features is its reputation as a land where individuals are free to practise their cultural activities and commitments as they see fit, a land where peace loving individuals from around the globe can come together in friendship and share their rich and diverse traditions. No other country can claim the same degree of success or commitment to multiculturalism.

It was back in 1971 that the Liberal government of the Right Hon. Pierre Trudeau made Canada the first country in the world to adopt an official policy of multiculturalism. We cannot doubt that in such multiplicity we as a nation are made strong. However we must also not doubt that our commitments to strength through diversity are

also in danger of being hijacked by the purveyors of hatred and terror.

In my remarks to worshippers at a Hamilton mosque last week I said "I am proud to be the son of an immigrant. My father is proud to call himself Canadian".

We are collectively a nation of many diverse cultures brought together by a common goal of peaceful coexistence and equality.

• (1640)

We must under no circumstances allow the world's terror merchants to export their hatred to Canada. We must not allow them to undermine the mutual respect that Canadians of all faiths and backgrounds have nurtured for 150 years. We have worked diligently to firmly establish the basic principles, values and shared beliefs that hold us together as Canadians.

In the wake of the tragic events of September 11 it is important; no, it is absolutely necessary, for Canadians to reaffirm the fundamental values of our charter of rights and freedoms: the equality of individuals of every culture, religion and ethnic origin. Our way of life and system of values has made us proud of our country and provided us a tremendous bounty of freedom, tolerance and justice.

It behoves us to protect ourselves through an awareness of what is at stake in our response to recent events. We could inflict damage on terrorists the world over by exporting our deeply rooted Canadian values abroad. If our values can act as nutrients to the growth of a country such as our own, surely enacting them in our foreign policy and allowing them to guide our future international relations can be of benefit to the global community.

As we act in immediate and necessary co-operation with our allies to attack the threat of terrorism, it is perhaps time to consider how the principles that make us strong might themselves weaken the roots from which such hatred grows.

I will close by raising this fraught question: Is it too soon to debate the history of international relations and foreign policy in a broader context? Is it too soon to enter into dialogue about the responsibilities of each of us as global citizens?

If we are to defeat terrorism we need to discuss and confront the root causes of terrorist activities, namely the inequities that breed discontent. We need to recognize the political and economic disparities that have promoted social, cultural and physical starvation in certain regions of the world. While today we are taking one of the many necessary incremental steps in the battle against terrorism and terrorist activities at home and abroad, we should recognize that this broader question must also be addressed.

Government Orders

In closing I will join what will certainly be a chorus of voices in this place in thanking the many public servants who have worked diligently and quickly to produce the bill. It was a huge undertaking. The bill contains 146 clauses affecting more than 20 acts of parliament. At the conclusion of this debate the all party justice committee will have the formidable task of scrutinizing the bill and quite possibly suggesting solid amendments to have it carried, we hope, unanimously.

I for one have every confidence that each and every member of parliament on the committee will address the legislation with an eye to reaffirming Canadian values and ensuring that our country's renewed respect for diversity and justice is reinforced.

• (1645)

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Mr. Speaker, I thank the member for Hamilton West for his speech. I think he will find that most members of the opposition are supportive of the bill that the government has brought forward to the House.

I have one question for him regarding the costs that would be associated with implementing the bill and the fact that more resources would be required for hiring and training security personnel, immigration officers and other individuals that would need to be brought on stream.

The hon. member is a good colleague of the Minister of Finance. Could he ask the Minister of Finance on the government side whether he would be willing to present an early budget? It would actually be late because we have not had one for quite a period of time, almost two years, but the minister could present it earlier than February. Could the member talk to the Minister of Finance to scope out exactly how we would pay for these new costs and what the government's plan would be for paying for these important, necessary and needed changes?

Mr. Stan Keyes: Mr. Speaker, I thank my colleague for the question. I am certain that the Minister of Finance, along with his colleagues in the cabinet and especially the Prime Minister, have every intention of spending every dime necessary to protect Canadians against any kind of terrorist threat and put down any future terrorist activity.

• (1650)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to participate in the important debate on Bill C-36, the government's anti-terrorism act.

There is without question deep concern among Canadians across the country about the horrific acts that took place on September 11. As we begin to come to terms with what happened and determine what kind of responses there need to be, we in the New Democratic Party have stated clearly every day in the House that our response should be undertaken through the United Nations and in accordance with international law. It should be a response that promotes peace and justice rather than further violence and militarism. The NDP has articulated that position very well even if it is not popular to do so these days.

In addressing the bill before us today in terms of the measures we are prepared to take and the powers we should confer upon law enforcement agencies, there may be a rush to get the legislation through. However it is incumbent upon us as members of parliament

and upholders of the public interest to have a sober analysis and review of the bill.

I have heard a lot of talk in the House today that the bill would provide the necessary tools to law enforcement agencies. A lot of members have remarked on that. I and my colleagues in the NDP want to make sure those tools do not become sledgehammers that undermine or crush civil liberties and freedoms.

In speaking to the bill we must be circumspect. We must be thoughtful and look at what its impact would be not only in the short term but in the long term. I have been reading through various opinions of experts and lawyers and look forward to the opinions of witnesses who will go to the committee. One opinion in particular struck me. The president of the Ontario Criminal Lawyers' Association was quoted in the media today as saying that to turn Canada into a police state in the name of liberty is bizarre.

As we examine the bill we must look at each and every clause to ensure that the broad powers and measures it contains will be used in a way that ensures continued public accountability, transparency and due process of law.

There was an interesting article in the *Globe and Mail* today which said that most Canadians would not be terribly inconvenienced by the justice minister's proposals. It said the costs would instead be borne by people who find themselves targets of police suspicion because of their ethnic background, radical political views or association with immigrant communities that have ties with groups deemed to be terrorist fronts.

It was an interesting commentary. It may well be that most Canadians support the legislation because they do not see that it would have an impact on them. They see it as powerful tool to deal with their legitimate fears about terrorist attacks.

• (1655)

However we must examine what the measures are and how they would be applied. One thing I am concerned about is how the measures in the act would be targeted to certain groups in our society. Are there adequate protections in the bill to ensure that the strong measures and broad powers it contains will be targeted, as the member for London West has said, to people who are engaged in terrorist activities and not merely members of this or that group? Will the legislation have an application and political weight that begins to take on a broader net?

Today in the House during question period I raised the issue of students from other countries who come to Canada to study. It has been confirmed by the RCMP that such students are being questioned and investigated, particularly if they are in engineering or scientific programs and courses. While there may be reason to do this, why do we single out a group of people based on their ethnic background, country of origin or what they are studying? This may have an important impact on Canadian students of colour who may be of Arabic background or Muslim students who begin to feel they are being targeted in some way.

Government Orders

This is disturbing. A commentary in the *Globe and Mail* said that many of us will not be inconvenienced by the act. It said we will go about our business as usual and not feel targeted in any way. Given the backlash that has already taken place in the country we must be terribly concerned about the bill's impact in terms of targeting visible minorities, political activists or even labour activists.

I will focus on three specific areas of Bill C-36. As others have mentioned, it is a massive bill. It contains about 170 pages and 146 clauses. None of us have had time yet to go through it thoroughly. We hope that will happen at committee. However it struck me that there are three things we must look at carefully in terms of the balance between our need to protect civil liberties under the charter of rights and freedoms and our need to protect safety and security.

First, the definition of terrorist activity concerns me. Bill C-36 defines a terrorist activity as an action in or outside Canada that is taken or threatened for political, religious or ideological purposes and threatens the public or national security by killing, seriously harming or endangering a person, causing substantial property damage that is likely to seriously harm people, or interfering with or disrupting an essential service, facility or system.

The definition is carefully circumscribed to make it clear that disrupting an essential service is not a terrorist activity if it occurs during a lawful protest or work strike and is not intended to cause serious harm to persons. The Minister of Justice addressed this in the House today when she was asked about it.

However we must closely examine this definition of terrorist activity and ask a substantive question: Have activities taken place in Canada that could be characterized as terrorist activities under the proposed legislation? There are several that come to mind.

Recently in B.C. members of a health care union participated in illegal strike activity. They walked out on a rotating basis. It was not a lawful protest or work strike as defined in the legislation.

This brings to mind that even Canada has historically developed anti-trust laws which were meant to prevent corporate monopolies from controlling goods and services but which in actual fact were used against labour unions to prevent them from organizing. The anti-trust laws were used against unions to take away people's right to organize.

• (1700)

These historical references are very important. I have a very serious concern about the definition that is being used. While I appreciate the fact that the government lawyers and the government side have gone to some lengths to try to come up with a definition that is specific, it seems to me that the way it is written is very problematic. It raises the question with me as to how broadly that could be applied.

I, along with my colleagues, participated in Quebec City at the summit of the Americas. We participated in the protests. To reiterate the remarks of our House leader in debate earlier today, he made it quite clear when he said that lawful sounds good, but there were a lot of young people who thought they were engaged in lawful protest in Quebec City way beyond the perimeter who did not challenge the wall or engage in property damage or anything like that. There were people who did participate in other forms of more direct action. How

would those activities be characterized under the legislation, perhaps not in the next few months or in the next year, but what about several years from now, or if this legislation is still around, a decade from now? The definition of terrorist activity is of much concern.

Second, the other area I have a lot of concerns about is the whole notion of preventive arrest. This is something that is quite a new feature in terms of Canadian law and gives enormous powers to law enforcement agencies to arrest and detain people on the suspicion that they are about to commit a terrorist activity. While on the one hand I think that may make people feel safe and secure, it is demanded of us as parliamentarians to ask what kinds of protections there will be in this legislation to ensure that this very broad power is not abused and that people are not simply picked up willy-nilly all over the place for whatever activity might be deemed to be suspicious or somehow related to a terrorist activity. As I say, these are only a few of the things that jumped out at me as I read through the bill in a very summary way.

Third, there is the whole notion of an investigative hearing. I am not a lawyer, but my understanding is that this is really very new in Canadian legal undertakings, this idea that the police could compel persons to come forward with information before a judge even though they may not themselves be charged with something or they may not know what investigation is underway. In fact one senior federal official was quoted as saying that we remove the right to silence. To me this was another flag going up in terms of how and how broadly that would be applied.

Those are three areas that I think are very problematic with this bill. The other aspect I wanted to speak on is the permanency of the bill. I listened to the news last night and heard the comments made by Mr. Clayton Ruby, a very well known criminal lawyer and advocate of civil rights in Canada. I think he is an outstanding member of the legal community. I was very interested to hear his remarks. He reminded us of our history in terms of when legislation like this is brought in how permanent it will be.

Presumably it is permanent. We know it will go through a review in three years, but even when our House leader today raised the possibility of the notion of having a sunset clause, it seemed to me that the government was very reluctant to respond to that and basically shuffled it aside.

Mr. Ruby basically characterized this legislation as war measures legislation. I do believe we have to look at our history. We have to look at what it is that we are embarking upon. This weekend in Ottawa at the federal council of the New Democratic Party we had a very extensive debate about what took place on September 11, what the party's position has been and what it should say as events continue to unfold. I will quote part of the resolution that was passed by our federal council and brought forward by our international affairs committee.

• (1705)

The resolution states:

—at this critical time it is very important that Canadians be vigilant to protect against unwarranted attacks on fundamental civil liberties and human rights as part of the comprehensive response to terrorist attacks, bearing in mind the history of internment of Japanese Canadians and the proclamation of the War Measures Act in similar circumstances.

Government Orders

I can already hear some people asking why we would drag that up, saying that this is a different situation, but I really wonder if it is. Again, I believe it is incumbent upon us as members of the House who uphold the public interest to look at our history and consider that when these actions were taken, the War Measures Act, the internment of Japanese Canadians, there was also a political climate of wanting to take strong retaliatory action. In hindsight now, in the one case 50 years ago and the other case 30 years ago, there is a serious questioning as to whether or not those particular policies were things that actually needed to be done. I suppose we can say that hindsight is always perfect and we can always look for ways to criticize something that was done.

However, surely we can learn by examining the legislation that took place then and what its impact was on civil society and civil rights, and the singling out of identifiable people, in one instance Canadians of Japanese origin and in the other instance political activists. Our whole society was impacted by that in a very negative way.

I took Mr. Ruby's comments very much to heart as a sobering reflection on what the House is poised to do in terms of bringing in the legislation, which from all that we have been given to understand, will be permanent. What impact will that have on our civil liberties in the longer term? What kinds of powers are we giving to law enforcement agencies that will begin to turn us more and more into a society where more control is given to law enforcement agencies?

Some people may argue that is good and that is the price of fighting terrorism, but I think we have to examine that. We have to weigh that balance between civil liberties and the need for security. We have to ensure that we do protect civil liberties and rights and freedoms in Canada.

The Prime Minister said yesterday that he was genuinely interested in hearing amendments and feedback as this goes through committee. I hope that is true because to remove the protection for civil liberties is something that we are possibly on the brink of doing.

I have serious reservations about the bill. As it continues to go through committee some of those issues will come forward. I hope that members of the House will not be in such a rush to pass this legislation that will deeply offend the basic values of democracy and civil liberties in Canada in order to do what they believe is politically expedient and because there is public concern in regard to passing legislation.

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I listened with great interest to my colleague across the way. I have to agree with her that we need to use vigilance and proceed with caution. As we embark on the new legislation in response to what happened on September 11, we have to make sure that the legislation is balanced and reflects what we want to do. We have to make sure that the legislation does not encroach upon civil liberties and our rights.

However I do want to remind the hon. member that it was the government of the day that brought the charter of rights home. It was the Liberal government under our Prime Minister, then the justice minister, that made sure we are now all treated equally and we all respect each other.

I want to ask my colleague if her party will be participating with positive legislation and amendments to the bill if needed versus using party rhetoric, like we have heard from other parties, to make sure that the rights of all citizens are protected.

• (1710)

Ms. Libby Davies: Mr. Speaker, I would like to thank the member for his thoughtful question. I am very aware of the fact that it was the present Prime Minister, then minister of justice, who brought in the charter of rights. That was a good thing.

However I am also reminded that it was previous Liberal governments that brought in some of the best social programs we have had in this country and, I might add, with a lot of influence from New Democratic members of parliament, but it was also Liberal governments that took away those social programs. Nothing is static.

This is really what I am trying to get at in terms of the political environment we are in and that the charter exists in. As we move forward with the legislation we have to make sure that the intent, the philosophy and the protection provided in the charter are actually protected within the bill.

I can only say to the member that members in this party have no wish to engage in political rhetoric. We are genuinely interested in looking at the bill. That was clearly stated by our House leader, the member for Winnipeg—Transcona, yesterday when the bill was introduced, although he did make it very clear that we are not prepared to give blanket approval to the bill and we are not prepared to rubber stamp it. In fact we will have our own discussion about what we decide to do in terms of the support for this bill.

When we participate at the committee the member can be assured that we will be addressing the points that have come forward already in terms of concerns and criticisms. I am sure there will be many more and I am sure that there will be many amendments.

Mr. Loyola Hearn (St. John's West, PC/DR): Mr. Speaker, I also listened with interest to the member. She knows as well as all of us do that we are certainly not living in ordinary times. If they are not ordinary times then I guess they are extraordinary times and quite often extraordinary times require extraordinary measures.

When the hon. member expresses concern about us perhaps infringing upon the rights of some of our citizens, I wonder if we talked to all the citizens in the country in light of what has happened and in light of what can happen, where the trade-off would be. Most people I talk to are certainly willing to give up some of our rights and freedoms for the protection of life and liberty that we all stand for and fight for.

I wonder where the member draws the line. It is easy enough to say that we cannot infringe upon the rights of individuals, but individuals caused the problems we have today. If we do not take measures to eradicate the type of thing that happened on September 11, then undoubtedly the rights and freedoms that we possess and brag so much about will not be much good to us if we end up like a lot of people did on September 11.

Government Orders

Ms. Libby Davies: Mr. Speaker, I appreciate the question. It is a very real question. That is precisely what is before us. Will the sweeping measures in this bill truly provide a society where we feel more secure? That is part of the question that we are debating. I agree that we are not living in ordinary times, which gives us all the more reason to examine this legislation in a very dispassionate way to ensure that the long term impacts of this legislation, if it is approved, would not have a significant impact on broad civil liberties.

Any member of the House who has begun to listen to and look at some of the commentary and the public discourse taking place will see that already significant concerns are coming forward about the manner in which some of the legislation is written.

That is our job. Our job is to go through that, make those judgments and weigh the need for security vis-à-vis the broader application of civil liberties.

I have flagged a few areas today that I think are particularly disturbing. I just want us to remember our history. What seemed good at the time in decades gone by are actions that we now look back on and say were wrong because we were so caught up in the moment. That is why we must take a very sober look at this legislation.

• (1715)

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, if the hon. member for Vancouver East were to bring in a terrorism bill, what features would it have?

Ms. Libby Davies: Mr. Speaker, our House leader, the member for Winnipeg—Transcona, made it very clear yesterday that members of the New Democratic Party realize that we need to examine the legislation more closely.

Generally speaking there is agreement that we need to ratify all international conventions that are before us. In this bill there are specific sections, particularly the definition of terrorist activity, the preventive arrest, investigative hearings and extensive wire tapping, that need further examination.

These are the issues that we want to examine more closely at the committee stage. We want to hear from Canadians who have not only legal opinions about this but also human rights and civil liberties concerns. We want to determine whether or not the legislation provides the proper amount of law enforcement power to various agencies or whether it goes over that line and beyond.

We will be discussing this with other members of the House. I have flagged some of the areas we have concerns about.

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, following up on the question of my hon. colleague from St. John's, Newfoundland, does the hon. member not recognize that sometimes it is necessary to infringe upon some rights that all of us have taken for granted? In our lifetime we have not been called upon, at least my generation has not been called upon, to fight for and sustain those rights.

I hear all the time that there are inherently evil people who take advantage of these rights. I think about the people that come to our country, and sadly enough the minute they land here they are wrapped up and protected by our charter of rights and freedoms

which was put in place with the best of intentions. There are people who abuse that.

To offset that in this time of crisis for our nation there will have to be some infringement upon those rights for those particular individuals. Does the member not recognize the need for that in these extraordinary times?

Ms. Libby Davies: Mr. Speaker, we already have infringement on rights within our society. For example, we have provisions within the criminal code that speak to hate crimes. None of us has an absolute freedom to speak publicly in a way that would incite hatred against another group. There are certain parameters to the rights we all have that are contained in various pieces of legislation. On a purely theoretical basis I do not object to that.

The issue is this specific piece of legislation that we are debating in the House. We have to determine whether or not the powers that it confers would provide the level of security the government wants to see and whether it goes too far in terms of undermining and eroding civil liberties.

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, I will be sharing my time today with the member for Kitchener—Waterloo. A few weeks ago following the terrorist attacks in New York City on September 11 we met in the House to debate a motion that called on our government to introduce anti-terrorism legislation as soon as possible. I am pleased to see that the minister and her staff have been able to respond this quickly.

I want to express my strong support for Bill C-36, a made in Canada legislative response to the problems of terrorism. It is a response that we hope will be effective, while being drawn up in such a way as to be respectful of the constitutionality of the protected rights of Canadians.

This legislation gives expression to our common resolve as Canadians to ensure that those persons who plan or direct terrorist attacks and those persons and entities that play a role in supporting them financially, or otherwise provide them with the material support which facilitates such acts, are denounced as criminals and brought to justice no matter where they may be found.

Canadians believe that all acts of terrorism are criminal and unjustifiable and that they should be condemned as such. We are confident that by enacting such legislation we are joining other like minded countries around the world in efforts to prevent the commission of similar crimes in the future.

Canadians would agree that the objective of enacting effective anti-terrorism legislation is laudable and necessary. Canadians would also want us to reflect in a sober and critical fashion on the nature of such legislation. I do not believe they would agree that it is necessary to abandon our values, which make Canada a free and democratic society, to fight terrorism.

I am pleased that the preamble to the bill contains language through which parliament recognizes that the requirements of national security and the need to combat global terrorism must be carried out with due regard to the rights and freedoms guaranteed in the Canadian charter so that we can be true to the values of our society even as we battle this terrible thing.

Private Members' Business

Canada has worked in concert with the international community for many years to pursue initiatives that are intended to reduce the threat posed by international terrorists. It should be noted that Canadian diplomats played a leading role in the negotiation of the two most recent international counterterrorism conventions, namely the international convention for the suppression of terrorist bombing and the international convention for the suppression of the financing of terrorism.

I want to comment on the specific aspects of Bill C-36. When the Canadian government signed these international counterterrorism agreements it was seen as a commitment by Canada to move toward their ratification at some time in the future. Unfortunately that time has arrived.

The draft legislation contains measures that would allow Canada to implement three international conventions, two of which concern the fight against terrorism. The most recent of these is the international convention for the suppression of the financing of terrorism, which would outlaw fundraising activities in support of terrorism and create provisions for the seizure and forfeiture of the assets belonging to the terrorists or placed at their disposal.

It would also give effect to United Nations security council resolution 1373 of September 28 that requires all states to take action to prevent and suppress terrorist financing.

Bill C-36 contains measures to implement the international convention for the suppression of terrorist bombings that Canada signed in 1998 in response to an increase in recent years of terrorist attacks directed against civilian and government targets by means of explosive devices or biological and chemical substances. In one of these indiscriminate attacks in November 1996 a Canadian woman was killed in a terrorist bombing of a Paris subway station.

• (1720)

The bill would implement the convention on the safety of United Nations and associated personnel. While this convention is not regarded as a counterterrorism agreement it does cover acts of violence directed against the official premises, private accommodation or means of transportation of United Nations or associated personnel. It recognizes that there is a need for appropriate and effective measures to prevent attacks against the United Nations and associated personnel.

The implementation of each of these conventions requires amendments to the criminal code to ensure that the crimes identified in each of these agreements are offences under our law and to extend the jurisdiction of Canadian courts over terrorist activities abroad.

A person alleged to have committed a convention crime abroad may be prosecuted in Canada if after the commission of the offence he or she is found in Canada and is not extradited to another state that could also claim jurisdiction over the offence.

Similarly under the amendments proposed in Bill C-36 a person responsible for a terrorist bombing of a public transportation system in another country in which a Canadian was killed or injured could be extradited to Canada to stand trial here for that offence.

Canada has taken these steps to ensure that terrorists are brought to justice by effectively denying them sanctuary after the commis-

sion of a terrorist crime. There should be no safe havens for terrorists. The terrorist attacks in the cities of New York and Washington on September 11 demonstrated to all of us that there is an urgent need for the international community to act together in concert to ensure that each has effective legislation in place to choke off fundraising efforts for terrorists and to enact the necessary legislation to implement the entire series of international and anti-terrorism agreements.

I congratulate the Minister of Justice and all those who worked so hard and so very quickly to bring forth Bill C-36. Bill C-36 contains the additional measures that our law enforcement and security services require to meet the threat posed by terrorism. It is simultaneously focused, effective, broad reaching and reflective of Canadian values.

Members will have an opportunity to do some work on the bill in the justice committee. There are issues that we all share. For example, should there be a sunset clause? How do we protect against abuse of powers? These are issues that will certainly be dealt with in committee.

It will also provide the opportunity for all of us in the House to air our concerns and to make sure the legislation gives the authorities the tools they need to protect the civil rights of all Canadians.

• (1725)

The Deputy Speaker: Under the circumstances, with only a minute left, would the House agree that I see the clock as being 5.30 p.m.?

Some hon. members: Agreed.

PRIVATE MEMBERS' BUSINESS

[*English*]

BLOOD SAMPLES ACT

The House resumed from October 4 consideration of the motion that Bill C-217, an act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code, be read the second time and referred to a committee.

The Deputy Speaker: Pursuant to an order made on Thursday, October 4, the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-217 under private members' business.

Call in the members.

And the bells having rung:

• (1800)

Ms. Anita Neville: Mr. Speaker, I wish to be recorded as voting no on this motion.

[*Translation*]

Mr. Louis Plamondon: Mr. Speaker, I wish to be recorded as having voted in favour of this bill.

Private Members' Business

[English]

Mr. Geoff Regan: Mr. Speaker, I wish to be recorded as voting in favour of the bill.

[Translation]

Ms. Raymonde Folco: Mr. Speaker, I wish to be recorded as having voted in favour of this bill.

[English]

Hon. Ethel Blondin-Andrew: Mr. Speaker, I am voting for the bill.

Mr. John McCallum: Mr. Speaker, I would like to vote in favour of the bill.

Mr. Randy White: Mr. Speaker, I wonder if it would be good to ask the Chair to tell the members once they vote they cannot change their votes just because the front bench stands up and tells them to do so.

• (1805)

Mr. Bill Blaikie: Mr. Speaker, it was terrific that we just had the closest thing I have ever seen to a free vote on the government side. On the other hand, if people abstain, they abstain. They cannot change their abstention after the fact. There is something wrong.

The Deputy Speaker: I understand this is the first such vote we have had in some time. I know everyone wants to be very helpful. Let everyone just worry about their own vote and we will tally them all up.

* * *

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

(Division No. 149)

YEAS

Members

Abbott	Ablonczy
Anders	Anderson (Cypress Hills—Grasslands)
Anderson (Victoria)	Assad
Assadourian	Bachand (Richmond—Arthabaska)
Bagnell	Bailey
Beaumier	Bélaïr
Bellemare	Benoit
Binet	Blaikie
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Breitkreuz
Burton	Calder
Cannis	Caplan
Carignan	Casey
Castonguay	Catterall
Cauchon	Chamberlain
Clark	Coderre
Copps	Cotler
Cummins	Cuzner
Day	Desjarlais
Dhaliwal	Dion
Doyle	Dromisky
Duhamel	Duncan
Elley	Epp
Eyking	Fitzpatrick
Folco	Fontana
Forseth	Gagliano
Gallant	Godin
Goldring	Gouk
Grey (Edmonton North)	Grose
Hanger	Harb

Harris
Herron
Hilstrom
Ianno
Jennings
Karetak-Lindell
Kilgour (Edmonton Southeast)
Kraft Sloan
LeBlanc
Lill
Longfield
MacAulay
Mahoney
Mark
Martin (Winnipeg Centre)
McCallum
McKay (Scarborough East)
McNally
Meredith
Mills (Red Deer)
Moore
O'Brien (London—Fanshawe)
Owen
Paradis
Peric
Pickard (Chatham—Kent Essex)
Proulx
Regan
Reynolds
Ritz
Schmidt
Sgro
Sorenson
Spencer
Steeckle
Stinson
Strahl
Thibault (West Nova)
Thompson (New Brunswick Southwest)
Tobin
Vellacott
Volpe
Wasylycia-Leis
White (North Vancouver)
Wood

Heam
Hill (Prince George—Peace River)
Hinton
Jackson
Johnston
Keddy (South Shore)
Knutson
Laliberte
Lee
Lincoln
Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Martin (Esquimalt—Juan de Fuca)
Matthews
McGuire
McLellan
McTeague
Merrifield
Mitchell
Nault
O'Reilly
Pallister
Parrish
Peschisolido
Plamondon
Rajotte
Reid (Lanark—Carleton)
Richardson
Robillard
Scott
Skelton
Speller
St. Denis
Stewart
Stoffer
Telegdi
Thibeault (Saint-Lambert)
Thompson (Wild Rose)
Toews
Venne
Wappel
White (Langley—Abbotsford)
Wilfert
Yelich—152

NAYS

Members

Alcock
Augustine
Baker
Bélangier
Bertrand
Bourgeois
Brown
Caccia
Crête
Davies
DeVillers
Duceppe
Farrah
Fournier
Gagnon (Québec)
Galloway
Godfrey
Guimond
Harvey
Karygiannis
Lalonde
Lavigne
Leung
Marceau
Myers
Normand
Patry
Pillitteri
Price
Reed (Halton)
Rocheleau
Sauvageau
St-Hilaire
Szabo

Private Members' Business

Torsney
Ur
Whelan—73

Tremblay (Lac-Saint-Jean—Saguenay)
Valeri

PAIRED

Members

Asselin
Bevilacqua
Dubé
Goodale
Picard (Drummond)

Bennett
Bradshaw
Gauthier
Maloney
Tremblay (Rimouski-Neigette-et-la Mitis)—10

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

Mr. Bill Blaikie: Mr. Speaker, I wonder if you could tell the House whether or not you counted the votes of the people who rose after. I wonder if you could explain to the House that the reason we vote from the back is so that people in the back cannot see what people in the front do first.

* * *

[*Translation*]

INCOME TAX ACT

The House resumed from October 5 consideration of the motion that Bill C-209, an act to amend the Income Tax Act (Public Transportation Costs), be now read the second time and referred to a committee.

The Deputy Speaker: Pursuant to order made Friday, October 5, the House will now proceed to the taking of the deferred division on the motion at second reading of Bill C-209 under private members' business.

● (1820)

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

(*Division No. 150*)

YEAS

Members

Adams
Anderson (Victoria)
Assadourian
Bachand (Saint-Jean)
Barnes
Bélangier
Bergeron
Blaikie
Bourgeois
Brien
Bryden
Cardin
Casey
Clark
Cotler
Cummins
Davies
Desjarlais
Dhaliwal
Duceppe
Duplain
Epp
Fontana
Gagnon (Québec)
Gallant
Godfrey

Alcock
Assad
Bachand (Richmond—Arthabaska)
Baker
Beaumier
Bellemare
Bigras
Borotsik
Breitkreuz
Brown
Caccia
Carroll
Catterall
Copps
Crête
Dalphond-Guiral
Day
Desrochers
Doyle
Duncan
Elley
Fitzpatrick
Fournier
Gagnon (Champlain)
Girard-Bujold
Godin

Grey (Edmonton North)
Guimond
Harris
Herron
Ianno
Keddy (South Shore)
Kraft Sloan
Lalonde
Lastewka
Lill
Loubier
Marceau
Martin (Esquimalt—Juan de Fuca)
McNally
Ménard
Mills (Red Deer)
Paquette
Perron
Plamondon
Proctor
Redman
Richardson
Robinson
Roy
Savoy
Schmidt
St-Hilaire
Stinson
Strahl
Thompson (New Brunswick Southwest)
Tobin
Tremblay (Lac-Saint-Jean—Saguenay)
Venne
Wasylycia-Leis
Wilfert
Yelich—123

Guay
Harb
Hearn
Hill (Prince George—Peace River)
Karygiannis
Keyes
Laframboise
Lanctôt
Lebel
Lincoln
MacKay (Pictou—Antigonish—Guysborough)
Mark
Martin (Winnipeg Centre)
McTeague
Meredith
O'Brien (London—Fanshawe)
Parrish
Peschisolido
Price
Proulx
Reynolds
Ritz
Rocheleau
Sauvageau
Scherrer
Sgro
St-Jacques
Stoffer
Telegdi
Thompson (Wild Rose)
Toews
Vellacott
Volpe
White (Langley—Abbotsford)
Wood

NAYS

Members

Ablonczy
Anderson (Cypress Hills—Grasslands)
Bagnell
Bakopanos
Benoit
Binet
Bonin
Burton
Caplan
Castonguay
Coderre
DeVillers
Dromisky
Duhamel
Eyking
Folco
Gagliano
Goldring
Grose
Harvard
Hilstrom
Hubbard
Jennings
Karetak-Lindell
Knutson
LeBlanc
Leung
Lunney (Nanaimo—Alberni)
Macklin
Malhi
McCallum
McKay (Scarborough East)
Merrifield
Moore
Nault
Normand
Pallister
Patry
Peterson
Pillitteri
Provenzano
Reed (Halton)
Reid (Lanark—Carleton)

Allard
Augustine
Bailey
Bélaire
Bertrand
Blondin-Andrew
Boudria
Calder
Carignan
Chamberlain
Cuzner
Dion
Drouin
Easter
Finlay
Fry
Galloway
Gouk
Hanger
Harvey
Hinton
Jackson
Johnston
Kilgour (Edmonton Southeast)
Lavigne
Lee
Longfield
MacAulay
Mahoney
Mathews
McGuire
McLellan
Mitchell
Myers
Neville
O'Reilly
Paradis
Peric
Pickard (Chatham—Kent Essex)
Pratt
Rajotte
Regan
Robillard

Scott
Skelton
Speller
Steckle
Szabo
Thibeault (Saint-Lambert)
Tonks
Valeri
Whelan

Shepherd
Sorenson
St. Denis
Stewart
Thibault (West Nova)
Tirabassi
Ur
Wappel
White (North Vancouver)—104

PAIRED

Members

Asselin
Bevilacqua
Dubé
Goodale
Picard (Drummond)

Bennett
Bradshaw
Gauthier
Maloney
Tremblay (Rimouski-Neigette-et-la Mitis)—10

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Finance.

(Bill read the second time and referred to a committee)

The Deputy Speaker: It being 6.33 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

* * *

[English]

FOOD AND DRUGS ACT

The House resumed from June 6 consideration of the motion that Bill C-287, an act to amend the Food and Drugs Act (genetically modified food), be read the second time and referred to a committee.

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, I am happy to have the opportunity to speak in favour of Bill C-287 in principle, and I will expand on that later on.

The hon. member for Davenport is a very strong environmentalist. He has brought forth an issue which the vast majority of Canadians are asking for. They are asking for public debate on the labelling of genetically modified food.

We know from a myriad of public opinion surveys, which we should not use exclusively, that the vast majority of Canadians are in support of mandatory labelling of genetically modified food. A recent poll in the *Globe and Mail* cited it at 95.2% and a recent Decima poll had it at 87%.

Although this private member's bill replicates the Progressive Conservative position with respect to mandatory labelling of genetically modified food, we said in our election platform last November that we would work toward a law that would require the mandatory labelling of genetically modified food. We think that is where Canadians are and that is what we have before us today.

Bill C-287 tabled by the hon. member for Davenport has some very serious flaws which we would like to bring forth. The Progressive Conservative Party and our coalition partners in the DRC are concerned about them.

One is that the bill states that in order for a food to be defined as genetically modified free it must have a threshold of less than 1% of GMO. Even the best infrastructure we could have in place today would make that extremely difficult to utilize. The Europeans are using a threshold of 5%.

Private Members' Business

Another aspect we are immensely concerned about is the very real fact that the physical infrastructure is simply not in place to be able to, for example in the case of grains and oilseeds, separate those that are genetically modified from those that are GMO free.

The position we would like to talk about is quite simple. Bill C-287 is not intended to add health or safety benefits to the products of biotech. It is about Canadians' right to know what they are eating.

Although there is some difference of opinion about what the right approach would be, the Progressive Conservative Party and our coalition partners believe we should work toward a law to have mandatory labelling.

We are supporting this legislation in order to have the debate the Government of Canada should be having. That is why we are supporting it in principle at second reading. However the bill in its current form would be more difficult to support at third reading.

Biotechnology depends for its future success upon an informed and supportive public. Measures are needed to build public trust and gain the public's confidence in the safety of the food made using genetically modified plants and animals.

We believe that the biotech industry is a safe industry. This is not about the safety of our food but the minimum we should be providing to Canadians is the public right to know.

• (1825)

In the platform I spoke about earlier we said quite clearly that we would work toward a law requiring the labelling of genetically modified foodstuffs. We support Bill C-287 in principle on the basis of studying the matter further at committee. We need to say yes to debate and yes to discussion. That is the position we wish to follow at this time.

Mandatory labelling can occur in the future only if it is done in a cost effective way in concert with food labelling policies of other major food producing and trading countries. We are in a situation where there is not an established process with respect to mandatory labelling. The Europeans will have that in place very soon. We need to build more confidence in biotech. Labelling and having the confidence to label is a step in that direction.

There are countries that question the food safety or the marketability of the product. Our farmers know that they have to respond to this. The wheat farmers in Canada have said on previous occasions that they would prefer that we just get away from genetically modified wheat, that they do not want to be held at a competitive disadvantage either. Right now genetically modified soy cannot be marketed to Japan. Canola cannot be sold to Europe if it is genetically modified.

I would like to touch on a couple of issues that other individuals may raise throughout the context of this debate. There has been a fair amount of misinformation with respect to the report that was recently tabled by the Royal Society, in which voluntary labelling was recommended. That should be considered. I do not think that is where we will ultimately go.

Private Members' Business

With respect to its study, the Royal Society of Canada said that the panel recognizes there are broader social, political and ethical considerations and debate about mandatory labelling of GM foods that lie outside the panel's specific mandate. The discussion was not intended to provide an answer to the issue of mandatory labelling. It simply said that it was not within its mandate.

We have an august direction to take if a range of Canadians from 95.2%, as the *Globe and Mail* said, to 87%, according to the Decima poll, say that mandatory labelling is something they want to proceed with. It would be very wrong and very ill advised to vote against Bill C-287 and not at least have that discussion in committee.

That is what private members' bills are about: to educate the public, perhaps to embarrass the government on occasion if it is not going in a certain direction so that we can advance public policy. I want to congratulate the member for Davenport for bringing the bill forward although it has some very identifiable flaws in that we do not have the infrastructure in place today. The percentage he utilized is wrong as well. However it would be prudent for us to at least have a discussion at committee.

I am concerned on one aspect. I received a letter from the Minister of Health dated October 11, just five days ago, wherein he stated that voluntary labelling was the only route to take. I refer to a letter he sent to a constituent of mine who is a strong advocate of mandatory labelling, Sister Angelina Martz of the Sisters of Charity of the Immaculate Conception of St. John. She writes to me quite often. She consistently advances public policy. I was pleased to at least support the perspective of that constituent.

Canadians have made it very clear that they want to take this direction. We may have some concerns in terms of the timing of this initiative because the very last thing we would want to do is take even a nickel away from the farmers at the farm gate.

• (1830)

We are heading in the direction of mandatory labelling at some point in time. It is only prudent for us to at least have the discussion before Canadians and talk about the pluses and minuses and about the right timing to go forward with it.

We would like to vote in principle for the bill at second reading, but if the bill comes back at third reading in the exact form it is in right now, it will be difficult to support it.

[*Translation*]

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, it gives me great pleasure to speak this evening to Bill C-287, which in my view is necessary.

It is vital that we recognize the desire of Canadians, which is consistent across the country, to ensure that labelling of genetically modified foods is made mandatory. This is the primary purpose of this bill.

As for the principle, I believe that the vast majority of Canadians are in agreement and I also believe that it is our duty to carry out their wishes.

Does the bill require any amendments, corrections or adjustments? Perhaps. It is in committee that this work must be done. I therefore

intend to support the bill at second reading so that the appropriate House of Commons committee can study it.

It should be pointed out that supporting this bill is not voting against genetically modified foods. Some people make this connection. They say that anyone supporting this bill is automatically against the existence of genetically modified foods and the fact that they are sold on the Canadian market. That is simply not true.

The concept of mandatory labelling is not ipso facto systematic opposition to genetically modified food. On the contrary, it is instead a proposal of choice, relating to the principle that consumers are entitled to know what they are eating. Our bottom line is merely a call for support of that principle, the consumer's right to know what he or she is consuming.

That right manifests itself in the labelling of the foods we buy in our grocery stores. That is what this bill seeks to do.

Nor is this a vote against our farmers. I say the opposite is true; it is vote in favour of our farmers. If Canadian consumers no longer have the right to know what they are consuming as far as GMOs are concerned, the next step will be a food boycott.

Moreover, the desire to protect the farmer, which appears to be the motivation of those opposed to this bill, is in danger of turning against the very people it is trying to help, that is, this country's farmers.

This is not a vote against the farmers, nor against genetically modified foods. It is vote in favour of the consumers' right to know what they are consuming.

I must admit that I was somewhat stymied by a little document sent to our offices today encouraging MPs to vote against this bill. It comes from the agrifood industry. A number of points are raised in it and I would like to address a few of them.

One of the first, in which they claim a vote in favour of the bill is a vote of censure, states as follows:

A vote in favour of Bill C-287 means a vote of censure against our world-class regulatory bodies.

This is not the case at all. This means that if a vote in the House amends or expands upon a legislative measure, or some regulatory measure, it represents censure of the body responsible. This is not the case.

What it is instead is a demonstration that our society is evolving, our knowledge is evolving, our ability to genetically modify foods, non-existent fifteen or so years ago, now does exist and needs to be reflected in our regulations, in our legislation. This is not censure. Saying that it is, in a way, is taking us for fools.

The second point that is raised, I will read in English.

• (1835)

[*English*]

Mandatory labels on ALL food products containing GM ingredients, estimated at 60-70% of products currently on store shelves, despite the fact that they have undergone a rigorous approval process.

Private Members' Business

If we vote against Bill C-287, that is what this means. I have a serious doubt about that.

My colleague who spoke before me referred to a very important document, entitled "Recommendation for Regulation of Food Biotechnology in Canada", prepared by an expert panel of the Royal Society of Canada. It is important to note what they recommended for security in our food system. Recommendations 8.1 and 8.2 state:

The Panel recommends the precautionary regulatory assumption that, in general, new technologies should not be presumed safe unless there is a reliable scientific basis for considering them safe. The Panel rejects the use of "substantial equivalence" as a decision threshold to exempt new GM products from rigorous safety assessments on the basis of superficial similarities because such a regulatory procedure is not a precautionary assignment of the burden of proof.

The Panel recommends that the primary burden of proof be upon those who would deploy food biotechnology products to carry out the full range of tests necessary to demonstrate reliably that they do not pose unacceptable risks.

It seems that in some circumstances we are relying on the concept of substantial equivalence to determine that. The Royal Society has determined that it is not appropriate.

• (1840)

[*Translation*]

The third point made is as follows:

If the bill is passed, producers will be forced to reformulate their food products with ingredients that do not contain GMOs, as they have had to do in other countries.

This raises the following question: If it is what consumers want, then is it not up to vendors to ensure that they get it, especially when it is feasible? Who is deciding here? Consumers or vendors? Are we being asked to reverse the law of supply and demand? It is completely absurd. We could not, because we would have to change what we are offering consumers, and give them what they want. It is completely backwards.

We are told that if we support the bill there will be a drop in investment in biotechnology which will lead to the loss of beneficial genetic technologies and life sciences programs in Canada.

I would assert that the opposite is true. If this technology poses no risks, then why not be up front? The best way to do this is through mandatory labelling on genetically modified food products.

Over the years, consumers will become aware of what they are eating, which will have the opposite effect: a greater acceptance of the technology and therefore more private sector investment in order to offer more products. However, the opposite of what they claim is also true. If in fact the country does not require mandatory labelling of genetically modified foods, there may be a backlash. Consumers may well say "If you will not give us what we want in terms of information, we will obtain it some other way. We will insist on it".

Some companies have already decided not to stock genetically modified products in their stores. The consequences for our farmers, agricultural industries and the agrifood sector are serious. We would be wise to think carefully before voting blindly.

[*English*]

Finally, they say a vote against Bill C-287 would ensure that food companies would continue their ongoing dialogue with consumers

about manufacturing processes, including the use of GM ingredients, the toll free number and websites.

They have just given us the solution for mandatory labelling. It is very simple. We can design a symbol and that symbol could be affixed on food products, be they packaged or not. When people buy fresh food products, be they vegetables or fruits, they will find a sticker with numbers on them, including where they have been grown.

That symbol of genetically modified food products could become universal, as other symbols have become, and could be affixed on all food products, packaged or otherwise, with a website address or a 1-800 number for Canadians to call and get the information they want.

No one is asking that we put a label on each apple. However, a person could easily find out how a particular food product has been modified genetically through a website address or a 1-800 number, thereby giving the consumer what he or she deserves, that is, the information they want in order to determine what they eat.

That is what is at stake here. It is not a vote against genetically modified foods. It is not a vote against our farming community. It is a vote in favour of consumers.

Canada has a symbiotic relationship between the farming community and the urban community. Whenever our farming community needs help, quite often the urban community comes through, perhaps in some cases not enough and I recognize that, but it has come through by way of tax grants and programs.

The reverse is also true. Not only the urban community, where the bulk of consumers is located, but Canadians everywhere are demanding to know, via mandatory labelling, whether they are consuming genetically modified foods. That is to the advantage of our farming community as well.

When we vote on this tomorrow, I invite all my colleagues to vote in favour of sending this bill to committee so we can seize the government of this important matter.

• (1845)

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, as the public who is watching this debate may know, the issue is a private member's bill which would mandate that there be a label placed on all foods that are genetically modified. It would say either "This food is genetically modified" or "This food contains an ingredient that is genetically modified". The fact is that there are pros and cons to this move, as there are to most moves.

First I would like to tell the public what this bill means by genetically modified. It states:

"Genetically modified food" means a food that is derived from a plant, animal, microorganism or other biological entity capable of transferring or replicating genetic material including sterile organisms, viruses and viroids when such entity possesses a novel combination of genetic material obtained through the use of modern biotechnology.

It is biotechnology producing a novel trait in a particular food or food product.

Private Members' Business

I would like to also quote to the public from an article by Peter McCourt who is a professor in the botany department at the University of Toronto and holds an NSERC chair in plant genetics. He is an expert. The reason I am quoting Mr. McCourt is to shed a bit more light for the public on the whole matter of genetic modification of foods and crops.

He states:

The argument is that the insertion of genes often combined with novel DNA sequences that regulate their expression in the plant could result in unpredictable effects. Although this could be true, it is just as likely to occur in nature or by any other traditional breeding process. The food we eat has been continuously genetically engineered by natural phenomena in ways that do not differ from the way we carry out GM technology now. For example, up to 20 percent of some plant genomes contain genetic elements that destabilize genes and genomes, move the genes around, mutate and rearrange themselves randomly. Furthermore, the hybridization of genomes of various species that occurs in traditional breeding programs also leads to new and untested combinations of genes. The mistakable safety argument is that the problem is the process of crop production. The concern should be on the product—not how it was made. No food product, whether traditional or modified by recombinant DNA, is without risk; this is why government agencies test these products.

What I understand Mr. McCourt to say is that the genetic modification of food can and does occur naturally as well as by design, and that the issue is not how the genetic modification occurs but whether the food is safe.

The questions for the public are these. First, is genetically modified food safe for me? Second, if I am in doubt about that, should I have a label on the food that at least lets me know that what I am eating may have been or was genetically modified, bearing in mind that genetic modification can be by design and also can occur naturally, according to a genetics expert?

I would like to place before the public and before the House some of the pros and cons that I have gathered in discussing and reading about this issue. I would like to thank my colleagues who have been very helpful to me in understanding this, the member for Selkirk—Interlake and my colleague from Nanaimo—Alberni, who is also with me as health critic.

● (1850)

I will list the pros of labelling food as genetically modified. This is not an exhaustive list but it is the best I have been able to compile.

First, there is inadequate scientific testing at the present time to ensure that genetically modified foods are safe. There is just not enough science, many argue, to prove there is safety in this kind of food.

Second, warning bells have been sounded in the case of some genetically modified foods.

Third, there may be unknown health risks.

Fourth, safety should be the first and foremost consideration.

Fifth, even existing science on the subject has been influenced by the industry that depends on foods and food processing for jobs and income.

Sixth, labelling gives people a choice because if they know a food is genetically modified and they are concerned, they can eat something else.

Seventh, the Royal Society of Canada's expert panel says that there is currently no systematic scientific evaluation process to establish the safety of GM foods for human consumption.

Those are some of the main reasons I have heard to support mandatory labelling of genetically modified foods. However, I can also provide an equal number of arguments against it.

First, the European Union recently released a study which found no significant problems with genetically modified foods.

Second, we should not make public policy on maybes. If there is no scientific evidence, then we should not legislate.

Third, there is already mandatory labelling when particular foods or products have been demonstrated to be a health risk or concern. For example, foods containing genetically modified products that lead to the same result as maybe peanuts or other nuts, to which some people are allergic, are already labelled.

Fourth, there would be massive costs to mandating a label for all foods that are genetically modified or contain genetically modified elements. This massive cost would really hurt the agriculture and food processing industries.

Fifth, the science to date shows no unacceptable risk.

Sixth, labelling would suggest there is a problem. In other words, people would ask why the government is putting a label on something if there is no good reason to do so. They could conclude that there must be a problem if there is a label. That would cause concerns where there ought not be any or where there is no evidence that there are any real concerns.

The last argument is that our largest trading partner, the U.S., with which we conduct 80% of trade, would likely refuse to send us food if it had to label it because that would be a huge cost, especially when there are no food safety risks yet shown.

Like anything else, there are arguments for and against mandatory labelling. I think my colleagues in the House who have suggested that this matter is serious enough and uncertain enough that it needs further study are correct.

I would support a vote in the House to send the bill to the committee so that these pros and cons could be further explored and weighed by members and we could come to a proper conclusion.

We have a duty to Canadians. We want to do our best for them. We want to make sure that we protect their safety to the greatest reasonable degree and I think only further study by members of the House in committee will allow us to do this.

Mr. Bob Speller (Haldimand—Norfolk—Brant, Lib.): Mr. Speaker, I would like to take a few moments to remind the House and Canadians that October 16 is World Food Day. Today is the day when we commemorate the founding of the United Nations Food and Agriculture Organization. It was founded here in Canada, in Quebec City, on October 16, 1945. The theme this year is to fight hunger to reduce poverty. It underscores the need to alleviate hunger in order to eradicate poverty around the world.

I would like to first congratulate the member for Davenport for his work on this issue and particularly for his work on the environment. In saying that, though, I would have to say that I disagree with his approach on this issue.

I recognize that the labelling of genetically modified foods has become an important issue for consumers. However, I do not believe that Bill C-287 is the best way to achieve this goal. Clearly a public discussion involving parliamentarians needs to take place. I am glad that the government has done that and has asked the committee on health to look into this very important issue.

Let me turn to a few specifics for a quick overview of exactly what we do first here in Canada with regard to genetically modified foods.

Health Canada and, in particular, the Canadian Food Inspection Agency, share accountability for food labelling policies under the Food and Drugs Act. Health Canada's responsibilities derive from its mandate for health and safety issues. I might say to all members of parliament and Canadians that we have the safest food standards in the world. We can be assured that Canadian food is safe because we have the people in place in the CFIA, the Canadian Food Inspection Agency, and in Health Canada who take the time to look at these issues and to look at these foods before they are put on our plates.

I recognize that the labelling of foods derived from biotechnology has become an important issue for consumers. I am glad that the government continues to discuss these issues with groups within Canada and in international organizations.

Recognizing that there is a need for a public discussion involving parliamentarians, as I said, the Minister of Health, the Minister of Agriculture and Agri-Food, the Minister of Industry and the Minister for International Trade contacted and wrote to the members of the health committee asking them to look at this very important issue. There are a number of concerns, particularly in rural Canada, as was mentioned earlier, as to how this sort of labelling would take place and the onus it would put on Canadian farmers today to bear the cost of this labelling.

In addition, one of the initiatives underway in Canada is the development of a Canadian standard for voluntary labelling of foods derived from biotechnology in a project led by the Canadian Grocery Council of Distributors and the Canadian General Standards Board, which are two groups of individuals who have taken the time to consult with Canadians across the country on this very important issue.

The draft labelling standard was put forward in July 2001 and is currently now open for comment from across the country. I would like to say that this group is accepting comments from Canadians who want to be involved and want to have a say on this issue until

Private Members' Business

mid-October, with the final publication of the final standards hopefully by March 2002.

Another initiative underway is that of the Canadian biotechnology advisory committee, which is currently preparing advice for government on the regulation of GMO foods, including information provisions to support informed choice with labelling. I guess that is one of the concerns that a number of us had: that the choice of Canadians would be an informed choice. As the hon. member knows, being involved with the European parliamentary association, I do not think they have had the informed choice over there. We want to make sure that Canadians do in fact have that informed choice.

In its interim report released in August, the committee recommended that the government should support the development of an approach to labelling genetically modified foods. It suggested the implementation of a voluntary standard, such as what was being developed by the Canadian General Standards Board, at least initially, in order to test its adequacy and effectiveness and recognize the need for a reliable verification system to support labelling, whether it is a voluntary one or a mandatory one.

• (1855)

It also recognized that the government must continue to work with other countries to develop a harmonized international approach for labelling genetically modified foods. It is critical to have set standards for international trade and for our Canadian products to continue to go into places such as Europe.

The committee is seeking input on its final draft recommendations and we look forward to learning how Canadians respond to this interim report.

I want to talk a bit about what has been said in a few statements by these two groups. The first one is the Royal Society. The Royal Society is a group of Canadians consisting of scientists, researchers and people who are in the know about these sorts of issues. The government has called upon and relied on them to look at this very complex issue and to make some determinations. The Royal Society report stated:

In the end, however, the Panel concluded that there was not at this time sufficient scientific justification for a general mandatory labelling requirement. However, the Panel concluded that many of the concerns identified in this Report do call for a strongly supported voluntary labelling system for GM foods.

The report went on to state:

Many of the concerns voiced in favour of mandatory labelling can be addressed, at least in part, by voluntary labels. This is true, not only of the social, ethical and political concerns, but also of some of the risk-related concerns, especially those related to uncertainties and even fears about unsubstantiated risks associated with GM foods.

The panel believes that strong government support for voluntary labels is an effective way of providing consumer input into these issues, and encourages the Canadian regulatory agencies responsible to establish guidelines for the regulation of reliable, informative, voluntary labels.

The Canadian biotechnology advisory committee made the following recommendations. It said that Canada should develop a set of clear labelling criteria regarding the GM content in food and that further effort could be placed on the ongoing labelling initiative of the Canadian General Standards Board and the Canadian Council of Grocery Distributors.

Private Members' Business

It also recommended we implement the labelling standard voluntarily, at least initially, in order to test its adequacy and effectiveness and widely promote its use so that people have real opportunities to make informed choices.

That is certainly the direction in which I think the government should go and it is a direction in which I think we as parliamentarians should go to make sure Canadians across the country have informed choice.

Bill C-287 raises a number of feasibility issues which I believe can be addressed and studied at the Standing Committee on Health. I would like to outline a few of the problems I see.

Amendments to the Food and Drugs Act, as proposed in the bill, would, I believe, create a two tiered system for genetically modified foods. Depending on the method used and the development of the specific foods, foods falling under the new definition would be required to be labelled to indicate the method of production while others derived from more traditional modification would be subject to voluntary labelling schemes. I think these sorts of issues need to be addressed at the committee.

What concerns me more is the fact that with the actual implementation of the bill mandatory labelling would require segregation in handling, transportation and processing systems and the cost would be borne by our farmers. The cost of changing the farms and the way they operate would put an undue hardship on farmers. I think that is why farm organizations across the country have looked at the bill and decided that there should be other ways to approach it. I am sure that they, along with consumer groups and other groups, would be more than happy to sit down and discuss the bill when the Standing Committee on Health takes a look at the issue.

• (1900)

Bill C-287 is intended to respond to consumer demand for choice. However the better approach to take is the approach being put forward by me, by rural Canadians, and by a group of other interested Canadians who want to talk about this issue and want to appear before the Standing Committee on Health.

• (1905)

[*Translation*]

The Acting Speaker (Mr. Bélair): Before the hon. member for Champlain begins his speech, I must inform the House that four minutes of debate remain before we proceed to consideration of private members' business.

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, four minutes go by pretty quickly. Perhaps it is my fault, but I wish the Chair had recognized me a little sooner. Regardless, I will try to get my message across in four minutes.

First, the Bloc Québécois and I agree with the bill on GMO labelling. I think it serves more than getting a debate going, as some have said. Consumers must have a choice. It is time to stop thinking for them.

I have information from the Association féminine d'éducation et d'action sociale du Québec, the AFEAS. I recall working with a number of ministers in Quebec's national assembly. One minister said to me "When the AFEAS puts its mind to a problem or an issue, it gives considerable thought to it and its comments are real".

I can say that the AFEAS in Quebec, and especially the one from the St. Maurice region, have expressed their concerns to me about the fact that people are almost obliged to eat genetically modified products. I agree with my Liberal colleague, who said earlier that they have yet to be proven dangerous. True enough, but the opposite has not been proven either.

I think this debate is important and it should be broad. We have to find out where we are going with GMOs. I remind those watching that I have spent my life in the field of agriculture. I need not tell them that in the past when people wanted to transform an animal and change it genetically they took their time. I am not saying there is anything wrong with going a little faster today, except that I see mistakes being made in genetic improvements. We did not always end up with the animal we thought we would. This applies to plants and to the food we eat as well.

As for the genetically modified foods we eat today, there is no evidence that we will not come to regret it, even from a human health standpoint. I agree with the 87% of Canadians and the 89% of Quebecers who, in response to a Léger Marketing poll last July, said that they wanted the government to make labelling of foods which have been genetically modified or which contain genetically modified material mandatory, not voluntary.

I think that this is a start. Even if all that results is that a parliamentary committee has to try to take it further and get to the truth about genetically modified foods, I would be in favour of this bill, but in my opinion we must go further still. The bill must be passed and put into force and stiff fines levied for failure to comply with its provisions.

Apparently, provision would be made for identifying content of over 1% of genetically modified material. The 1% is not an objective; it is there in case of error. Consumers have the right to know what they are eating.

In conclusion, I would recall the advertising campaign by a certain company that the consumer was king in its establishment. In Canada and in Quebec, the consumer must continue to be king. He has the right to know what he is eating.

• (1910)

The Acting Speaker (Mr. Bélair): I am sorry to interrupt the hon. member, but his time is up. The hon. member for Winnipeg North Centre.

[*English*]

Ms. Judy Wasylcia-Leis: Mr. Speaker, I rise on a point of order. I would like to raise the fact that it is private member's hour where we have a long established tradition of private members' representing all the different political parties in the House having an opportunity to speak. It has always been the intention of this party to participate in this debate.

Government Orders

I stood in my place on numerous occasions to indicate my intention to speak. In the preceding three-quarters of an hour Your Honour has chosen to recognize two private members who happen to be Liberals. There may be some particular difficulties on that side of the House requiring the two opposing views to be presented to the House this evening, but in all fairness there needs to be some recognition of the five parties in this place and some recognition of members of each of those parties to speak.

I wanted to speak tonight and join in commending the member for Davenport on the bill. I wanted to give our support for his efforts and to make some recommendations. Given the traditions of the House, I would ask if you would seek unanimous consent to allow me to have 10 minutes to speak to Bill C-287.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): I would like to explain to the hon. member that many members wanted to speak this evening and that there was a real squeeze given that it was the last hour of debate before the vote on the bill tomorrow.

At some point in time the Chair had to make a decision to balance those who were for and those who were against the bill. I wanted to ensure a better understanding for the public and for our colleagues in the House to help members make up their minds before voting tomorrow afternoon. That was the reasoning behind it. There was no offence intended. I was trying to accommodate as many members as possible.

Ms. Judy Wasylycia-Leis: Mr. Speaker, I rise on the same point of order. I appreciate your explanation, but I still maintain that a time honoured tradition is at stake here. It is questionable how one would be able to determine positions on this issue until individuals have spoken.

In the interests of private members' business we have at least allowed a member from every party to speak and express a viewpoint. I would ask again that if 10 minutes is too much, you would seek unanimous consent to allow 5 minutes for my speech.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mrs. Karen Kraft Sloan: Mr. Speaker, I rise on a point of order to support the member opposite. However there was some suggestion that the Liberals were divided on this issue and that you decided to have a pro and a con.

I have been on the list since last spring to speak in this debate. I support the member for Davenport and I want the record to show that.

• (1915)

The Acting Speaker (Mr. Bélair): The hon. member's point is taken.

[*Translation*]

Ms. Christiane Gagnon: Mr. Speaker, I rise on a point of order. I would be in agreement, provided that the NDP member may speak for a length of time equivalent to that allowed my Bloc Québécois colleague for his speech, which was four minutes.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to allow the member for Winnipeg North Centre to speak for four minutes, which would be equivalent to the time given to the Bloc Québécois member?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): Since it is 7:15 p.m., the time provided for the debate is now over. Pursuant to the order made earlier today, all questions necessary to dispose of the second reading stage of Bill C-287 are deemed put, and a recorded division is deemed requested and deferred to the expiry of the time provided for government orders on Wednesday, October 17.

GOVERNMENT ORDERS

[*English*]

ANTI-TERRORISM ACT

The House resumed consideration of the motion that Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities, in order to combat terrorism, be read the second time and referred to a committee.

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I rise in the House today to express my support for the government's anti-terrorism legislation, Bill C-36, and for Canada's participation in the international effort to bring to justice the perpetrators of the terrorist attacks of September 11.

There are no words adequate to describe the horrors felt by people around the world at the slaughter of thousands of innocents and the images of passenger planes crashing into the twin towers of the World Trade Center. Over six thousand innocent people were slaughtered. Thousands of widows, widowers and orphans were created. Children lost parents and people lost friends and co-workers. No one was untouched. People who did not lose a relative or a friend lost their peace of mind.

In combating terrorism we are acting in concert with our NATO allies, which have all agreed to invoke article 5 of the NATO treaty. It states that an aggression against one member country is considered an aggression against all. Our actions are consistent with the United Nations convention on the suppression of terrorist bombing and the right of a nation to defend itself against aggression.

Government Orders

The anti-terrorism act has four objectives: to stop terrorists from getting into Canada and to protect Canadians from terrorist acts; to bring forward tools to identify, prosecute, convict and punish terrorists; to prevent the Canada-U.S. border from being held hostage by terrorists; and to work with the international community to bring terrorists to justice and to address the root causes of such hatred. The bill accomplishes these objectives. These measures are in keeping with the actions of our allies.

As a nation we must be prepared to ensure our safety and security. The bill is not perfect and I hope that committee will recommend a sunset provision. I also expect that other improvements will be proposed in committee. It is incumbent upon free and democratic countries to send a clear message to those who perpetrated the horrible acts of September 11. Therefore we must act. The message is that those who have chosen the path of terror to achieve their political ends will be apprehended and brought to justice.

Governments of countries that support terrorists are equally responsible for the actions of those terrorists. Efforts toward eradication of terrorism will be long term and multi-dimensional and to this end we must dedicate ourselves to eliminating the conditions that breed terrorism. We must strongly censure countries that act in their own military, political or economic interests to support terrorist, fascist and extremist factions in other countries. Their actions cause political destabilization and undermine the integrity of the social, physical and economic infrastructure in those countries. Too often this leads to disenfranchisement, poverty and oppression of people in those countries. The deep rooted resentment and hatred they feel toward those who are seen to have caused their misery is a breeding ground for terrorism.

Canadians want the root causes of terrorism addressed. The inequities in affluence between the west and the rest of the people in the global village must also be addressed. Our safety and well-being are not only rooted in creating and supporting political and social conditions and institutions that are sustainable and have the confidence of the people they are intended to serve; we in the west will also have to provide increased resources for human development in troubled societies if we are to be effective in combating terrorism.

The Prime Minister said in his address to the NATO parliamentary assembly on October 9 what we can never repeat often enough, that Canada and its coalition partners:

—have no quarrel with the people of Afghanistan. And they have no quarrel with us. Our dispute is with the terrorists and the Taliban regime that insists on giving them safe harbour.

The people of Afghanistan need our support. They have suffered horribly because of years of drought and war in their country. To this end, Canada and its allies have significantly increased contributions of humanitarian aid for Afghan refugees.

Our fight with terrorism does not represent a conflict between religions or cultures. Terrorist acts are in no way supported by the morals, beliefs or practices of Islam. Like all faiths, Islam is about peace, justice and universal brotherhood and encourages harmony among all people. Muslims in Canada and around the world have joined us in condemning terrorism.

● (1920)

We are engaged in an armed conflict so we must be particularly vigilant in protecting the rights and security of all our ethnic minorities. It is unacceptable and offensive in a democratic, pluralistic nation such as ours that even one act of intolerance would be perpetrated against our fellow citizens.

We have many fellow Canadians who are Muslims, Christians and Jews who are from the Middle East or are of that ancestry and other Canadians who look like they might have come from there. It is important to remember that Judaism, Christianity, Islam and all other religions abhor the terrorism that has taken place. This act was carried out by a small group of fanatic extremists. We must fight any expression of xenophobia by reaching out to our fellow Canadians and speaking out against hate and intolerance.

I am very pleased to see the strong and consistent efforts made by all parliamentarians and by our government to allay the tensions and fears felt by minorities in our country. Our present actions contrast most favourably with the dark days of our history when the government was the leading force in carrying out acts of intolerance, a past where we interned those we considered dangerous during our wars and whose only sin was being different, the most grievous of these being against Canadians of Japanese descent, thousands of whom were forcibly repatriated to Japan after the last war.

However, we have evolved. Canada has evolved into a country that is made up of people from all over the world representing every religion and ethnic group. We have come together in this country to build one of the most prosperous and inclusive societies. Canada shines as a beacon of hope in the troubled world too often torn by ethnic hatreds and intolerance.

Bin Laden, the Taliban and all terrorists feed on hatred and intolerance. It is in their interest to promote hatred so they can carry out their terrorist acts. Every Canadian and every individual concerned with terrorism can join the war against terrorism by working for an inclusive society at home and abroad. We can do so by reaching out to people and respecting their different religions and cultures and their humanity. We will not tolerate any expressions of racism in our communities. The anti-terrorist legislation, Bill C-36, strengthens our laws on hate crimes.

In closing, I would like to express my support for and gratitude to the courageous men and women of our armed forces. I believe that I can speak for everyone in the House in wishing them a safe return to their homes and families after they complete their tour of duty in making our country a safer place.

● (1925)

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I listened with great attentiveness to my hon. colleague's speech on this important piece of legislation. I know that the hon. member represents an area of the country where there are a lot of factories, both large and small, that are very reliant upon north-south trade with our U.S. neighbour.

Government Orders

Certainly one of the great concerns that I have heard expressed since the tragedy of September 11 is how this is impacting on and threatening the huge trade relationship we have with the United States. I have heard a number expressed by one of the hon. member's colleagues in the Liberal Party indicating that nowadays there is upward of \$1.4 billion a day in trade between our nations.

Obviously one of the concerns being expressed by people whose livelihoods are contingent upon the free flow of goods between our nations is the whole idea that we can either work with the United States in negotiating a comparable system of securing our borders so that we continue to enjoy that trade or we can see it increasingly put at risk by not reassuring the Americans that we have the willingness to basically wed our systems so that they can feel comfortable that our standards, if you will, of securing our borders from any would-be terrorists are as high as the standards employed in the United States.

With that as a backdrop I will put a question to the hon. member. I know it is of great concern to him because, as I have said, of the huge economic impact that the fallout from this despicable action of September 11 has had on his riding in particular. I would ask for his comments about securing this perimeter of North America rather than looking at us as individual nations in that sense.

Mr. Andrew Telegdi: Mr. Speaker, I thank my hon. colleague for his question. There is no question about it. Trade with the United States represents a big part of the economy in my community. Nothing more exemplifies that than the little gadget produced by Research In Motion which, I just found out today, is being worn by every member of the United States congress. It is called a BlackBerry. It is worn by the members of the United States congress because it was one device that continued to function on September 11 when the cellphone airwaves were jammed. This is just one example. We have many industries in my community that very much rely on trade between Canada and the U.S.

The member is quite correct. If we were to allow the terrorist acts of September 11 to impair the economies of Canada and the United States then we certainly would be letting the terrorists win. I will say to the member that I have a great deal of sympathy for the idea of the Schengen agreement that was negotiated in the European Union.

I think we can come to some kind of arrangement to ease transborder traffic and I can also say to the member that in many cases the standards in Canada in terms of gaining access to the country are higher from a security perspective than they are in the United States. Clearly the member has touched upon an area that is of vital concern to both nations. I trust that it will be adequately addressed.

• (1930)

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I am pleased to have the opportunity to add my comments to those expressed earlier on Bill C-36, the anti-terrorism act, by my coalition colleague from Pictou—Antigonish—Guysborough.

Before I begin my comments on the bill itself, I would like to extend a sincere thanks on behalf of my constituents in Prince George—Peace River, and perhaps on behalf of all Canadians, to the architects of the anti-terrorism bill, who dropped everything and began working I suspect around the clock in order to have this bill ready for presentation to the House yesterday.

One can only imagine how onerous this task must have appeared during the first few meetings on those first few days. Yet the challenge was met with a level of confidence and professionalism of which all Canadians should be greatly proud.

Sadly it is often the case that the work and sacrifices of these dedicated individuals goes unnoticed or unappreciated. I would like to assure everyone involved in the drafting of this legislation that the entire country has taken notice of their work and thanks them for their sacrifice.

As a member of the opposition, it is not very often that I find myself in the position of agreeing with something that the government has done or that it has made a commitment to do. The fundamental differences in our values and beliefs are what keep us on opposite sides of the House.

However there are occasions such as yesterday, when the government supported our supply day motion condemning the attacks of September 11, affirming our support for the men and women of our military headed overseas and the joint meeting of the defence and foreign affairs committees, where the government finds itself supporting the opposition or conversely the opposition supporting the government.

The international war against terrorism is one such occasion. I commend the government and the Minister of Justice for undertaking the introduction of this important new piece of legislation.

The bill represents an important step but not the only step in the development of a national strategy to address a threat that until recently we believed to be a problem inherent in countries elsewhere in the world. That perception of the world, perhaps somewhat misguided, some might even say naive, was a reflection of the world that Canadians want to live in, the Canada that we want to protect.

I struggle now to ensure that the reaction that we undertake as parliamentarians and as Canadians is an intricate balance between our desire to ensure that we are protected from harm and our desire to ensure that we do not fundamentally change the way life that has been carefully nurtured and protected by previous generations of Canadians.

This is the balance that I know was in the minds of the drafters, lawyers, advisers and countless others who contributed to the bill. It is a balance that I believe has been fundamentally achieved. Of course the devil is in the details. However I am confident that any concerns that we, the PC/DR coalition, may have will be adequately addressed during the review of the bill by the Standing Committee on Justice and Human Rights.

As I mentioned previously, the bill represents only one of a number of important elements in the fight against those determined to undermine our confidence and democracy and our way of life. The passage into law of the anti-terrorism act will provide us with a way to deter, disable and dismantle terrorist activity, but having the means by which to undertake these activities is equally important.

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As with any law, it is essentially useless unless we have someone to enforce it. Manpower, the human element in counterterrorism activities is an area that has suffered considerable neglect in recent years. It is an area that we can ill afford to continue to ignore. Year after year for the past decade the budgets of the Department of National Defence, CSIS and the RCMP were slashed. Entire departments in some cases, such as the Canada ports police, were eliminated.

• (1935)

Frontline security duties, such as airport security, were privatized. The focus at our borders was shifted from security and enforcement to revenue generation and cash collection, all without due consideration as to the long term effects these cuts might have on our national security.

The aftermath of the events of September 11 have shown that we cannot continue along this route. Canadians are tuning in to the fact that the increased police presence at airports, nuclear power plants and even on Parliament Hill is a redeployment of existing officers and that redeployment means less coverage somewhere else. The practices of underfunding and understaffing are being noticed and Canadians want something done about them.

Last week, in keeping with the government's approach of tell the world before it tells parliament, Canadians were subjected to a national parade of cabinet ministers clambering over one another to make the next announcement of a new government initiative for what can only be described as a full court press in a game of catch up. In the world of public relations I believe it is called damage control.

As mesmerizing as it was to watch minister after minister after minister and sometimes three at once announce new funding, it was a completely redundant exercise since the Minister of Foreign Affairs had previously announced that a meagre \$250 million would be made available as an immediate response to the deficiencies identified in our national security network.

Despite attempts to generate enthusiasm for the one time expenditure, it is readily apparent that this cannot be the full extent of financial resources devoted to improving national security. As it is, the Department of the Solicitor General of Canada only receives an annual budget of \$1.5 billion, which has to cover all operating costs of both CSIS and the RCMP. Even if the full amount of the additional spending were allocated exclusively to the solicitor general, it would only represent an increase of 16.63% in the national security budget.

Given the recent public opinion poll supporting an increase in spending on national defence of \$3 billion to \$9 billion, one could conclude that Canadians would also be receptive to spending much more than the \$1.75 billion on intelligence and national policing.

It is also apparent that to have any meaningful impact the funding of our armed forces and national policing agencies must be increased on a long term basis to ensure that the agencies responsible for national security have the ability to sustain operations at the desired levels. Now more than ever it would be irresponsible for the government not to introduce a budget outlining to Canadians how it intends to finance our war on terrorism over the long term.

I would like to return at this point to the specifics of Bill C-36, the anti-terrorism act. While I have nothing further to add with respect to my comments on what the bill sets out to accomplish, I would like to add one comment with respect to what I consider an intricate component that is not contained in this bill.

Part 5 of the bill is devoted to the amendment of other acts and proceeds to introduce amendments that are deemed necessary to ensure that this bill integrates properly with existing Canadian law and to allow the new act to achieve the desired objective.

What I find surprising in this amendment to other acts section is that there is no amendment to the Canadian Security Intelligence Service Act that would broaden the mandate of CSIS to include conducting international and covert information gathering operations as part of its normal operations. I question how we will participate in the international fight against terrorism without giving our intelligence service an international mandate. It would seem to me that this is a question that should be considered by the committee when the bill has been referred for its consideration.

I hope that the introduction of the bill represents the beginning of the government's fight against the threat of international terrorism and not the end. There is much work to be done if we are to rid ourselves of this evil and providing that we are given the opportunity to participate through debates and information briefings, I am certain the government will find itself with all the support it needs during these challenging times.

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, first, this bill will be important to our law enforcement and security agencies. They need the bill because we need to stop terrorists from getting into Canada and need to protect Canadians from terrorists.

As a nation we must be prepared to ensure our safety and security. We need more and more powerful tools to identify, prosecute, convict and punish terrorists and those who support them.

The legislation would give our law enforcement, security agencies and courts the ability to do so. Our allies also need the bill. If we truly want to be a leader in the international effort to deprive terrorists of sanctuary, to shut off their funding and leave them nowhere to turn, we must have strong anti-terrorism laws.

We must ratify the international conventions on the suppression of terrorist financing and suppression of bombing and the convention on the safety of United Nations personnel. We must be part of the solution.

This is especially true for our common border. The free flow of people, goods and services between Canada and the United States is absolutely essential for both of us. We must prevent the Canada-U.S. border from being held hostage by terrorists. If we do not then the terrorists will have won.

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As the House will know, the nature of terrorism is constantly changing. Terrorist operations are decentralized and terrorist cells are made up of highly motivated and skilled individuals.

Canada, the United States and countries around the world are adapting to dealing with new and emerging terrorist threats and methods of operation. We are constantly re-examining and improving what we do and how we do it.

The Government of Canada has already taken significant measures to enhance our ability to fight terrorism and will continue to take any and all necessary measures to ensure the country remains safe and secure.

Last week the Government of Canada announced a series of measures to improve airport security and improve RCMP capacity to fight terrorism, especially in joint operations with our neighbours to the south, to tighten up immigration procedures and freeze assets of terrorists.

A full \$250 million in new funding is being invested immediately, and just last year we allocated \$1.5 billion to the RCMP, CSIS, CIC and other public safety partners to ensure that they continue to have the tools they need to do their jobs effectively.

Through the special committee chaired by my colleague, the Minister of Foreign Affairs, we continue our review of laws, policies and procedures. As the Prime Minister has said, what we need to change will be changed.

It is evident that Canada and the United States have a long record of close co-operation in fighting terrorism and transnational crime. No two countries work more closely together on law enforcement.

The whole point of our anti-terrorism plan, which includes this legislation, is to deter and disable terrorists. In this regard, our efforts and those of the United States will be complementary.

RCMP, CSIS, local police, customs, immigration and transport officials work closely with their American counterparts each and every day in their ongoing efforts to ensure the safety and security of our citizens.

Joint investigations and operations and the sharing of information and intelligence show how close the relationship is between our two countries.

These activities are possible thanks to the seamless co-operation that exists at every level of our national law enforcement, intelligence, security, customs and immigration agencies.

● (1940)

When I was in Washington two weeks ago to meet with attorney general John Ashcroft he told me the United States government was impressed. He thanked me for the co-operation it had received from CSIS and the Royal Canadian Mounted Police. He said that before the U.S. could ask Canada for help we were already co-operating to do the things we knew to be necessary so we could succeed and bring the terrorists to justice. That is high praise. It is true that while we protect Canada and Canadians we also help protect our American friends and other allies.

To defeat terrorists we need to choke off their money supply. Bill C-36 goes a long way toward achieving that. It would designate certain groups as terrorist groups, make it easier to freeze their assets, prosecute those who give them financial support and deny or remove charitable status for designated groups. It would cut off financial support for terrorists by making it a crime to collect or give funds either directly or indirectly to carry out terrorism.

There is no doubt that some of the measures we propose are extraordinary. That is why we have included significant checks and balances. Canadians want the measures but they also want safeguards to ensure the measures are targeted to terrorists and those who support them.

Yes, we will give police more tools to investigate and prevent terrorist activity. Yes, we will make it easier to use electronic surveillance against terrorist groups. Yes, we will take steps to protect security information and detain terrorists. Yes, we will take measures against groups that abuse our registered charity system to raise funds for terrorists.

Simply put, a nation must be prepared to protect itself to ensure its safety and security. That is exactly what we are doing. The murderous attacks of September 11 showed the world that terrorists have no regard for their victims or themselves. If we are to prevent terrorism and save lives we need the tools in Bill C-36.

The bill's measures are targeted directly at terrorists but it is also important that the principles of judicial review and due process be respected. Bill C-36 has found that balance. It is consistent with the charter of rights and freedoms and it responds to the situation we face following September 11.

I hope all members of the House will support Bill C-36. The bill would provide our legal system and police officers with the important tools they need to do the job of making sure Canada remains the peaceful and safe place it has been for many years.

● (1945)

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I am pleased to enter the debate, particularly because the government moved so quickly. Much of the work that went into the bill should have been done years ago but nonetheless it is before us now.

A few years ago the Royal Canadian Legion had a motto "If you can't remember, think". There are many people in the House today, and no doubt many people watching, who cannot remember certain events in our history. I remember very well the events of September 3, 1939. I remember September 10, 1939, when Canada declared war. I was only a boy. At the time I heard some of the funniest statements one would ever want to hear, but none as vicious as a statement I heard on September 11, 2001, on Canadian television. I will get back to that later.

Government Orders

On December 7, 1941, a Sunday morning I remember like yesterday, the Japanese bombed Pearl Harbor. Do members know what I heard in this country? I heard that the United States had it coming. I would like members to recall that date in 1941. Canadians and we in the House had better thank God we had the United States as an ally. If not, we would probably not be sitting here enjoying the freedom we are enjoying this very day.

On the morning of September 11, 2001, my Ottawa office staff phoned me and said they had been asked to leave. They told me to turn on my television. As I sat having breakfast with my wife, I said that before the day was over I would hear some of the same crapola I heard following December 7, 1941. Sure enough, all day long on September 11, 2001, and in the days that followed I have heard that the United States had it coming.

The statements were not made by anyone in the House because the House was not in session. However the CBC carried some programs that made me sick to my stomach. They defamed our partner and ally through two world wars. They blamed the whole thing on the United States.

There are people in the House who say the United Nations should take the lead role rather than the United States. I am sorry, but one of our UN nations admitted the other day that it had within its borders many of the same people whose names are on the list for terrorism. Sweden, a member of the United Nations, said it could not do anything about it until these people broke a law.

We do not need to worry about the bill going too far because it will not need an examination in three years. It will need to be expanded before then. I do not think for one moment that we have seen the last of the war on terrorism. There is a whole lot more coming. If there is one theme I would like to leave the Chamber with it is this: No one's rights can ever exceed the nation's right to security.

We pick up the papers and read all these things about sweeping rights. We read that lawyers and civil rights people have concerns. No one's rights can ever exceed the right to have a secure nation. We must be cognizant of this fact: We did not have the charter of rights during World War II but the security of the nation was utmost in everybody's mind.

● (1950)

We came a lot closer to having war on our very soil on September 11 than we did during those five years of conflict. Canadians were killed not many miles south of the border.

We have this hogwash in Canada that to be a true Canadian one must somehow hate the Americans. It is generated. When I listen to certain university professors, and everyone probably knows the one I am referring to, I wonder what kind of message they are sending our students and young people who attend university. It is shameful. It is disgraceful for the nation.

Let us look at our charter for a moment. Let us look at what happened in Seattle. Do we have freedom of assembly? Yes, we do. Do we have freedom of expression? Everything is freedom of expression in this country but who gets all the attention? Was the Operation SalAMI meeting a legal meeting? Yes, it was. Were the protesters given legal rights? Yes, they were. The same was true in

Quebec. However we must always put our weight on the ability of security forces to protect a legally constituted meeting.

We need to re-examine some of these things. We hear people in the House, mainly members of the NDP, say we should not get involved in the campaign against terrorism. We should not get involved? The Minister of National Defence knows full well that any boat could pull into Toronto harbour undetected and blast away. It is possible. We need to think of the security of the nation more than we need to think of individual rights. This is terror.

I represent a rural constituency. This morning at 9 o'clock some people picked up their mail from a small post office in my riding. They took it home and opened it and powder was in the envelope. They were not ready for that. Neither was the RCMP. After nine hours someone finally came and picked up the envelope. A lady is now receiving precautionary antibiotics.

We need to state clearly to the Canadian people that this is not the end of the crisis. Canada is subject to attack in any place and at any time. The question is not so much whether we must go back and re-examine Bill C-36. The question well may be whether we must strengthen its measures for greater security. That may sound a bit rough for some people. However let us not worry about our individual rights. Let us worry about the security of our country.

In our country and in my province we have terrorism of a different sort. Bill C-36's definition of terrorism fits what is happening in some of our cities. Homes are being raided and destroyed. People are being molested. That is terrorism, even as defined by Bill C-36. The powers of the bill, which some call wide and sweeping but which I call common sense, could be applied to the domestic scene as well.

I am proud to support the bill but there is one thing I want to see forgotten. I want to see Canada take a far different approach through its media, the CBC and its town halls. We must stop thinking that to be Canadian we need to defame the United States.

● (1955)

It is about time. We enjoy our security because of our partnership with the United States. We do not enjoy any misdoings of United States events as our allies in World War I or World War II. It is time now that Canadians realize that.

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, yesterday I rose in the House to speak with respect to our Canadian forces and the deployment of over 2,000 of them with respect to the campaign against terrorism. Today I rise to speak about the legislative changes in Bill C-36 as they affect the defence portfolio.

[*Translation*]

One of the objectives of the government's anti-terrorism bill is to eliminate the obstacles to the security of our country.

Government Orders

• (2000)

[*English*]

The proposed anti-terrorism legislation will amend the National Defence Act to align it with changes in the criminal code, the Canada Evidence Act and the Security Information Act. For example, the National Defence Act would incorporate the definitions of terrorist events, terrorist activity and terrorist group. This is to bring the military justice system, which is a separate system, completely in line with the civilian system.

A second set of amendments contained in this package would provide additional authorities to the Communications Security Establishment or CSE. This organization has an important role to play in the campaign against terrorism since it is heavily involved in intelligence information gathering and analysis. Not only does it intercept and analyze foreign communications it also helps to protect the government's information systems and networks.

The world is changing and so must CSE. The organization needs to sharpen its focus on critical trends, on national issues and, most important, on terrorism. These new authorities would enable it to meet the requirements of the new environment and provide the kind of foreign intelligence that Canada, working closely with our key allies, will need in the coming months and years. This new framework would help CSE work more effectively to help protect our own federal government computer systems and networks.

[*Translation*]

The intelligence needs of the government have changed greatly since the end of the cold war.

[*English*]

At the same time, advances in technology have radically changed the way the world communicates. These changes have made it increasingly difficult for CSE to operate effectively within existing authorities. Currently in its information gathering the CSE is focused on foreign entities. It can only pick up information in foreign countries, not in Canada. Under section 184 of the criminal code it is unable to pick up any communication that either starts in Canada and is sent to a foreign country or is sent from a foreign country to Canada. If two terrorists are communicating in foreign countries, we could pick it up. If one of the terrorists moves into Canada, we cannot. Therefore we are stymied in an attempt to deal with the terrorist problem. This unduly constrains the effectiveness of the Communications Security Establishment.

We know that terrorists and those who support them communicate with people in many different countries and they do communicate with people in Canada. However, under the criminal code, if CSE is targeting a known terrorist abroad and that individual then communicates with somebody in Canada we cannot intercept the communication.

This constrains our intelligence collection apart from that of our closest allies. We are working closely with the United States, the United Kingdom, Australia and New Zealand. Those countries have had the legal framework in place since the second world war, and that is what I am asking that we do through Bill C-36.

It is also important to understand that the proposed amendment would not authorize CSE to focus its collection effort on Canadians. The effort must continue to be focused on foreign entities and not on Canadians. The proposed amendment states that CSE's activities would not be directed toward any person who is a Canadian. It would simply enable CSE to intercept the communications for foreign intelligence targets located abroad when their communications go in or out of Canada or to an unknown location.

CSE also requires additional authority, which that it does not presently have to protect our own federal government's computer systems and networks from any mischief, unauthorized use, hacking or interference.

Monitoring systems are indispensable tools in assessing the vulnerabilities of our networks. Under its current legal framework CSE is restricted in its ability to monitor the computer systems or networks of the government.

The proposed amendment would therefore authorize it to perform in a more effective monitoring fashion. This measure would help to assure the protection of government computer systems. I am sure that is what Canadians want. They want to have their government protect its systems and its networks into the future, particularly when more government services are going online.

An important point here is privacy. Let me assure the House that the privacy of Canadians remains paramount and that it would continue to be protected through an effective control regime in the conduct of CSE's operations.

As Minister of National Defence, before authorizing CSE to collect foreign communications which originate or terminate in Canada for purposes of foreign intelligence, I would have to be satisfied on four counts: first, that Canadians and persons in Canada would not be targeted; second, that the intelligence resulting from this collection could be reasonably be obtained by other means; third, that the value of the intelligence would justify the means of interception; and, fourth, that a private communication would only be used or retained when it was essential to the advancement of Canadian interest, defence or security.

I should point out that CSE has an unblemished publicly available record of compliance with similar kinds of controls in the regime it has already operated under for a great many years. Over the past several years both the privacy commissioner and the CSE's own commissioner, a retired judge from the court of appeal in Quebec, have examined CSE's handling of information involving Canadians. They concluded that it was done in compliance with Canada's legal framework, including the Privacy Act and the charter of rights and freedoms.

• (2005)

I have confidence that this would continue if CSE operates under these proposed new authorities. The commissioner's own mandate is strengthened in this legislation to ensure that it does so.

Government Orders

Good intelligence is one of the most important contributions that Canada can make to the campaign against terrorism we are waging with our allies. The proposed amendment enhances Canada's foreign intelligence capacity by allowing CSE to intercept communications that may have a direct bearing on terrorist operations.

The proposed amendment will be welcomed by our allies as they already have this authority. It will be welcomed by them as evidence that we are committed to remaining an active and contributing member of our close intelligence partnerships. It will also enable us to more effectively protect the computer systems and networks of the Government of Canada.

I believe the additional authorities provided to CSE and the changes to the National Defence Act I have outlined would give us better tools to fight terrorism effectively in the long run.

[*Translation*]

I therefore recommend that we support them.

[*English*]

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, it is a pleasure to rise tonight and speak to the bill.

First, I would like to continue to extend our sympathies and best wishes to the families and friends of all victims, from wherever they may have come, as a result of September 11. It indeed was a tragic thing and our prayers continue to be with them whether they are from Canada, the U.S. or wherever. I think that would be true of each and every one of us.

I am pleased to see the foreign affairs minister here tonight. I would like to say to him, on behalf of the Wild Rose people and myself, that we commend him for the excellent job he has done as the spokesperson for our country in the event down there. He has done very well and we are very pleased with that. I believe in passing out commendations when they deserve it and he deserves it.

The second thing I would like to thank the Liberal government for is the bill. It finally has arrived. I think it should have arrived a little sooner but I would like to thank the government for using many of our ideas and proposals that we have presented in the past. That is a feather in its cap too. It really did not ignore what we were saying. It included them in the bill. For that we say thank you.

There are a lots of good things in the bill but there are many things that we must now take into consideration. I would ask every member of the government who is present tonight to please hear me out and to consider these things quickly in terms of dealing not only with the bill but with terrorism itself.

I will start with Parks Canada. This may surprise people. They may wonder what in the... that has to do with the issue but I will explain.

Presently something is happening in all parks across Canada. At one time it was the duty of many park wardens to enforce the laws, to look after the needs of managing our parks and to make sure that things were going well. It was managed by those people who were best trained and best experienced for that kind of work: the park wardens themselves.

They did an excellent job in the past and we want them to continue to do a good job. What does that have to do with the bill? Here is the problem.

We know that the one thing that is lacking in the bill is the resources to do the work that will be required as a result of September 11. I do not know who would initiate it, but it is time for somebody in the government to initiate some conversations with the heritage minister to deal with the park warden situation and get them back to work doing what they do best, which is looking after the parks of Canada, and thus releasing the hundreds of RCMP officers who are trying to do that job.

The government has hundreds of RCMP officers trying to manage our parks. They are not trained or qualified to do that job. They do not particularly like chasing poachers or looking for horns on top of vehicles that should not be there or confiscating things. They need to get back to what they are best qualified for and that is providing security and protection for this country.

I plead with somebody on that side of the House to talk to the heritage minister. We must deal with the park warden situation. We must get them back to work in the parks and equip them with the tools they need to do their job effectively so the RCMP officers can go back to their duties of providing safety and protection for this country, which is what they want to do. They do not want to chase elk, deer and those who would poach them.

Whoever came up with the idea that is what had to take place really surprises me. However, the move was made and it will cost, if it has not already, as was reported to me, about \$40 million to have RCMP officers in the park areas doing the job of highly qualified people who are already there just waiting to go back to work.

● (2010)

Following the circumstances of September 11, it makes absolutely no sense for us to even consider using police officers in some capacity other than that of providing safety and protection to this great nation of ours. Since that is what they want to do and what they were trained to do, why, for Pete's sake, does the government not allow them to do it? Could the members over there please wake up the heritage minister and tell her to get the issue settled with the park wardens? They want to get back to work as well. They can do a great job. Let them do their work.

I have visited a number of border crossings, land border crossings and airport crossings, and if there is one thing customs officers want to contribute to the whole cause it is to be given the ability to actively participate in the protection of Canadians and Canadian soil.

I would like to read to the House the regulations regarding customs officers. It is number 16 of the regulations. It states:

Customs officers shall not use force against members of the public where it is known or strongly suspected that the individual is carrying a weapon and considered dangerous, if in the judgment of the officer involved the use of force would present an undue risk to their personal safety or to the safety of another officer of the public. In these circumstances officers shall note the pertinent details of the case, permit the individuals to proceed into Canada unobstructed and then officers will notify the police immediately.

Government Orders

Whoever wrote that regulation did not take into account the 50, 60 or more crossings in this country. When they phone the police it is up to two or three hours before the police can respond to their call, just because of their location. A lot of these locations have one individual on duty. If anyone thinks for a moment that the terrorists would only use the most active ports to enter into our country, the bigger ports, they had better think again. The terrorists know about these ports. They know about these entries into Canada where there is a cabin and one person on duty and that at 10 o'clock or 9 o'clock at night they put out a pylon to stop the flow of traffic and then go home.

Let me tell the House about the attitude of the officers on the front line, the first line of defence at the borders. They want to be equipped and trained. They want the tools needed to enter into the battle of stopping terrorism from entering this country. They do not want to allow peoples to enter into our country unobstructed when they know they will only cause a lot of trouble and grief to a lot of innocent people. They know this will happen but because of government regulation they are not allowed to stop them.

We should all think about terrorists arriving at our border. They are smart enough to know they cannot come through Toronto or through Port Erie, so they go up to Roosevelt, which has only one person, or somewhere else that has only a one cabin one person operation and they come right in. All they have to do is act tough and scary and the customs officer has no choice but to let him go and then phone the RCMP which could be 200 to 300 miles away.

These are just common sense things that we could do to provide protection.

I encourage the government to get the park wardens back so we can bring more police back on duty doing what they do best. It should also train and equip our customs officers so they can do the job of arresting people at the border like they so desperately want to do.

• (2015)

We have to change our attitude on this. It is a serious thing. Allowing terrorists to enter our country unobstructed creates a great risk to people in Canada and that just plain does not make sense.

I ask the government to please listen to the people on the front lines, to those who work hour after hour in defence of this land. It must hear their pleas and listen to them. If the government puts away its bureaucratic thoughts and thinks about the guys who are out there really working, I think it will come up with some real good plans for the security of this nation.

Mr. Bob Speller (Haldimand—Norfolk—Brant, Lib.): Madam Speaker, it is a pleasure for me to rise today to take the opportunity to speak to my constituents and other Canadians who are watching tonight about the importance of the anti-terrorism act that we have now introduced in the House, about to what exactly is in the act and how I believe the act helps to lessen the threat of terrorist activities here in Canada.

The government is determined to take steps to stop terrorism. Over the past number of weeks I think the Minister of Foreign Affairs and the Minister of National Defence have very clearly outlined the steps we believe need to be taken to help fight terrorism

in Canada. I have certainly outlined what I believe to be the reasons behind the actions taken today.

I want to say at the outset that the actions we are taking in the legislation today might not have been acceptable in Canada two months ago, but certainly after the events of September 11, I do not think there is any question. When I go back to talk to my constituents on the street they say they are prepared to give a little of their rights and freedoms ensure that Canadians are safe. The constituents I have talked to on the street certainly are in favour of the approach that we are taking here, with the understanding that there are checks and balances within the legislation to make sure that governments and representatives of governments do not take advantage of these changes in the laws that we are making here today.

I will outline a bit of what is in the act. The act tries to identify, prosecute, convict and, in particular, punish terrorist activities here in Canada. Activities in Canada, as we know, have always been under the criminal code. Canada has in fact been a leader at the United Nations in pushing for international conventions on terrorism. We have now signed all 12 United Nations conventions on terrorism and we have ratified 10.

What this legislation would do is help ratify the other two conventions of the United Nations that try to attack terrorism internationally.

What is critical in what we have tried to do is to get the international community moving to fight terrorism. Under the auspices of the United Nations, the work it has done on these conventions goes a long way to co-ordinating the efforts of the world community to fight terrorism.

Of the two conventions that the bill would help ratify, the first is the suppression of terrorist financing convention. That relates to the freezing of terrorist property by prohibiting dealing in any property or with a person engaged in terrorist activities and also by prohibiting making available funds, financial and/or other related services to terrorists. What that tries to do is strike back at terrorist financing to make sure that these terrorist organizations do not get the financing they require to carry on their activities.

The other convention that the act would deal with is called the suppression of terrorist bombings convention. It contains provisions relating to the targeting of public places, government or infrastructure facilities or transportation systems with explosives and/or other lethal devices such as chemical and biological devices. What this tries to do is make sure that these activities are not carried out by terrorist groups.

What this also does is deal with provisions within the Criminal Code of Canada. It defines what a terrorist activity is in the criminal code. It states that it is an offence under one of the ten United Nations anti-terrorism conventions and protocols, which is what I just spoke about earlier. If people do things to break those conventions or protocols, then they are conducting a terrorist activity.

Government Orders

● (2020)

Second, it says that an action taken for political, religious or ideological purposes which threatens the public or national security by killing, seriously harming or endangering the person, causing substantial property damage that is likely to seriously harm people or by interfering with or disrupting an essential service, facility or system, is a terrorist activity.

On the other side, we have public debates in this country that sometimes lead to demonstrations where people go out and break a few buildings, or tear down a fence or something. That would not be called a terrorist activity.

What we have tried to do is balance the legitimate right of Canadians to express their views and at the same time make sure that these terrorist activities do not take place in Canada.

The bill also designates terrorist groups and activities. The definition in the designation framework would provide clear guidance to the police, the prosecutors, the courts and the public as to what is and what is not a terrorist group or activity.

It would also make it a crime to knowingly collect or to provide funds to these terrorist groups, the maximum sentence under that would be 10 years, and to knowingly participate in or facilitate these activities of terrorist groups.

It would also be a crime to instruct anyone to carry out a terrorist activity on behalf of a terrorist group and also to knowingly harbour or to conceal a terrorist. By doing this, someone would get 10 years. In fact, for a lot of the activity in the terrorist group, one could get life sentences also.

The criminal code would also stipulate that the sentences imposed for each of these offences would be served consecutively so the time period would be longer.

It would also change the criminal code to make a new definition and designation of schemes that would make it easier to remove or to deny charitable status to some of these terrorist groups. As has been listed in the paper, there are a number of groups around the world that claim to be charities and claim to do certain noble things for people around the world. However, they are taking those dollars and funneling them to terrorist activities. This would make it a lot easier for the government to deny that charitable status to these groups to ensure that this sort of activity does not take place in Canada.

It would also allow stronger investigative tools for our police forces and to find these terrorist groups.

Measures within the legislation deal with electronic surveillance. Nowadays terrorist groups have all kinds of opportunities with new electronic media to deal with these sorts of issues. This would help take away their ability to use the Internet, to use this electronic surveillance to carry on their terrorist activity.

The Official Secrets Act would also be amended to address national security concerns, including threats to espionage by foreign powers and terrorist groups, and make sure that they are not able to carry on these activities denying them access to the information they require.

● (2025)

I believe very strongly that we have hit the right balance in this approach. I believe that constituents in my area support the approach the government is taking on this issue. I would encourage any of them at any time to contact me and let me know their views. We will continue to fight terrorism, as the Prime Minister said, to make sure that these activities do not take place in Canada or around the world.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Madam Speaker, I am very pleased to take part today in this exercise in reflection brought about by the anti-terrorism bill.

The events of September 11 have wreaked havoc with everyday life and the way people go about their daily life. It can be said that since September 11 we have been experiencing a shockwave. In my riding, I have heard stories when talking with friends about how life is no longer the same. We thought we were not vulnerable to an attack such as this one.

People are experiencing feelings from fear to anger and compassion. Compassion is being felt for many American citizens, but there is also a feeling of compassion for what is happening in faraway lands, in Afghanistan, compassion for all these displaced people who are destitute and often on the verge of starvation.

As a result of the unfortunate event of September 11, we as a society have a lot of thinking to do. Our vision of the world leads us to rethink not only what an anti-terrorism act should be but also our vision and the compassion we should show to improve the living conditions of people in the Middle East, in Asia and across the world. As we know, the conflict in Afghanistan is not the only one going on in the world today.

The bill is aimed at reassuring our fellow citizens but also at eradicating terrorism. I have been wondering. Will this bill reach its intended goal? Is it not too far-reaching and might it not fail? How could we better reassure people? Could it be through a change in attitude? I believe a change in attitude is a goal we should strive for. Does the bill not go too far?

We know that several people, more precisely 62% of Quebecers, have some concerns about losing the freedoms and privileges guaranteed by the charter of rights and freedoms, privileges that were acquired over time. They are concerned with security. We know that security has been seriously jeopardized. Right now we can feel that people are scared, especially in the United States. Even here on the hill, we had an emergency situation yesterday because of a letter that might have contained anthrax. We know that this feeling of fear could very well affect us too.

The attacks on New York and Washington made us aware of the dangers stemming from the international situation. They warned us that from now on we would have to be on our guard. Many people are on the verge of a psychosis about terrorist attacks. If this is what bin Laden wanted to achieve, I think he succeeded. We must react and we must do it quickly.

Government Orders

I think that rapid action does not require haphazard measures. I hope that in introducing this bill, the government will be open to amendments that we may want to propose to ensure that this bill does not infringe on our rights and freedoms. The Bloc Québécois has asked a lot of questions and has some concerns about the implications of this bill. In fact, there was an obvious political goal attached to the introduction of this bill, that is, to calm the public.

Maybe the government will succeed in recreating for a few days or a few weeks the illusion that Canadians had before September 11, namely that they can live in relative peace under the umbrella of the United States. It will take only one serious incident to change all that.

We may try to prevent, repress and punish terrorism, but will we be able to eradicate it without dealing with the feeling of hopelessness that causes it?

• (2030)

How can we prevent an individual, whether or not he belongs to an organization, from taking other people's lives with his own? I wonder if an anti-terrorism act will keep at bay people who are prepared to give up life or to risk it in the name of a so-called holy war.

This is why we must be very careful about the type of bill on which we will vote here, a bill that requires the support of members of parliament.

We must ask ourselves the following questions. Why must we legislate against terrorism? How can we do it without infringing on those freedoms that are so dear to us and that were gained over the years? Last, will this legislation be enough to avert the threat?

Let us begin with the first question. Did the government have to introduce these measures today? Either the security measures in place were inadequate and the government was careless or else it was fully aware of the possibility of terrorist attacks. If it was, this means that existing measures were not applied properly. Either way, the government is responsible and must now hurry to reassure the public with its omnibus bill.

There are examples that illustrate both carelessness and mismanagement. The first one is the delay in reviewing the cases of refugee status claimants in Canada. We had an act that could have allowed us to be much more vigilant. It often takes several years before a ruling is made. It may take in excess of five years. Hanging a sword of Damocles over the heads of these claimants will not facilitate their integration, if they are accepted, or their expulsion, if they are rejected. If the act had been properly enforced, part of that problem might have been solved.

Another example is the privatization of security services at airports. The discovery of knives on aircraft at Toronto's airport shows that the government was negligent and missed an opportunity to tighten up security for the benefit of passengers by resorting to penny pinching schemes.

Finally, today the government announced measures that will cost hundreds of millions of dollars. It should have thought of these measures before, but we cannot go back in time. However, we must

be vigilant as to the types of bills that we are going to pass in the coming months.

Again, I hope that the government will give opposition parties enough time to hear witnesses and recommend amendments to the bill.

A second concern is the issue of security. Since it is possible to improve the security of Quebecers and Canadians by rigorously applying existing security measures, is it necessary to go as far as amending the criminal code to grant broader powers to the police force in terms of preventive custody, electronic surveillance and opening of postal and electronic mail?

Is there not a risk of violating the fundamental rights of law-abiding citizens? This is the question the House leader of the Bloc Québécois asked the Prime Minister today. We cannot say we got reassuring answers with regard to the goals of the anti-terrorist act.

Finally, the long term effectiveness of the comprehensive strategy being proposed raises concerns. In the aftermath of the air strikes by the U.S., can we really believe that an anti-terrorist act will prevent such acts in the future? Not only should we find a political solution to the problem, but we should also be cautious about exclusively military and police solutions. We have to go beyond that.

Before September 11, there was already a terrorism problem. We could have been much more vigilant. This is the why I ask the government to be cautious in the choice of legislation it wants to implement in Canada. It might bring in a short term solution, but such legislation could have, in the long term, a destructive impact on democracy in Canada and in Quebec.

Before September 11, the Canadian Security Intelligence Service, the RCMP and the Canada Customs and Revenue Agency knew that something was going on in Quebec and in Canada. However, all the information was concentrated in the hands of the solicitor general and the Minister of Justice. We could have been much more vigilant.

• (2035)

There are irritants in the bill. It should be reviewed every three years. This legislation could be counterproductive.

The bill should contain a sunset clause, otherwise it would no longer be in force.

We have to be very vigilant. I ask the government to show openness and to listen to opposition parties, which might change its mind regarding this anti-terrorist legislation.

[English]

Mr. Gurbax Malhi (Parliamentary Secretary to the Minister of Labour, Lib.): Madam Speaker, yesterday the government introduced in the House its anti-terrorism act. It is strong new legislation to deal with people and acts that were mostly unknown before September 11.

Government Orders

The goal of the legislation is to identify, convict and punish terrorists and provide new tools to the police and other agencies effectively to pursue and prosecute terrorists. Some of these measures are strong but they are consistent with Canadian values of respect and fairness. The legislation is also in step with measures being taken by our allies everywhere. With the legislation, we join our international partners in taking steps to stamp out terrorism around the world.

Let me talk about some of the provisions of the new act. It would allow law enforcement agencies to define terrorist groups and activities. It would make it easier to prosecute terrorists and those who support them. It would make it an offence to participate in or contribute to the activities of a terrorist group. It would make it an offence to harbour a terrorist. The new legislation would create tougher sentences and parole provisions for terrorist offences.

All of these measures go to the heart of rooting out terrorists in our country. All of these measures are appropriate following the events of September 11. They are in line with what must be done and what is now being done by our allies around the world. It is important to repeat that following the attacks on September 11, the Prime Minister and Canadians with him have called for a renewed commitment to Canadian values of respect, equality, diversity and fairness.

The point is worth making one more time. This is a campaign. This is new legislation against terrorism, not against one cultural community, group or religious faith. The anti-terrorism act reaffirms Canadian values and ensures that the Canadian respect for justice and diversity is reinforced.

The legislation takes direct aim at the root causes of hatred and its expression. For example, amendments to the criminal code would allow our courts to order the deletion of publicly available hate propaganda from computers. Very importantly, further criminal code amendments would create a new offence of mischief with a maximum sentence of 10 years for acts committed against a religious place of worship which are motivated by bias, prejudice or hate. Amendments will also be made to the Canadian Human Rights Act clearly prohibiting using telephones, the Internet or other communications tools for the purposes of discrimination or hatred.

We are a free and democratic society. We must remain a free and democratic society. The anti-terrorism act introduced by the government yesterday has as its first goal to keep Canada free and democratic. To do this we must confront the terrorist forces against us within our own borders and across the world.

The government is doing just that. Canadians can be comforted in knowing that with the legislation all that must be done is being done to stop terrorists and terrorist acts, to deal with the hatred that is a root cause of terrorism, and to protect our values and our way of life.

It is my belief that the anti-terrorist act has balanced the need to confront our enemies with the desire of all Canadians to live in a free, diverse and fair society.

• (2040)

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Madam Speaker, I was in Ottawa on September 11 and watched in disbelief, as did millions around the world on their

television sets, as one and then a second airplane crashed into the World Trade Center in New York. Quite simply, the world gasped as these horrible acts of terrorism unfolded right before our very eyes.

There is no doubt that this brought terrorism home to our country. A peaceful fall day was shattered by the hard realities of the terrible human toll right in front of us on our televisions. Since then a great sense of insecurity and vulnerability has swept the continent on a level unimaginable just an hour before the skyscrapers crashed to the ground.

These acts also brought terrorism to Parliament Hill itself. Terrorism arrived at the door of this House to a Canadian population that shared in our neighbour's grief and now shares in our neighbour's war response.

It changed things forever. It brought terrorism into our daily vocabulary. It brought terrorism into our daily lives. It caused a tidal wave of disruption that reached into every corner of our economy, government, schools and communities. It shook our placid society to its core as our government fumbled as it responded to the threat.

While the effect on our economy was definitely traumatic in the short term, our citizenry's response was unbelievable, incredible. There were many isolated great efforts as some rose above the rest to help. We saw thousands of Canadians step forward to host and help stranded air travellers and others race to New York to offer their specialized services. Those unable to assist directly did so through their generous donations of money and blood.

These acts by the terrorists succeeded in sending a number of companies in Canada and abroad into receivership, but our determination and resolve will quickly put things back on track. I am confident that with our collective international will we will fight these terrorist pressures with a vigour reminiscent of the stubbornness of allies in World War II. The bill today, while incomplete, will help in the war on terrorism.

The terrorists are not the enemies of the past, the ones who opposed us under the Geneva convention set of rules. Those rules of war were established to protect the innocent, the unarmed, the unprotected. No, today's enemies are cowards that hide in caves, behind rocks and live under the protection of the freedoms we fought for in previous times. Cowards like that deserve no respect or mercy. They are as much a danger to us as they are to the people they purport to represent and the false legitimacy they cower behind.

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We, with the help of our allies, will overcome these terrorists. We will bring them forward and bring justice upon those determined to undermine our civilized nation's efforts and successes. We will exact retribution from those who cowardly assassinated thousands of peaceful civilians who were simply going about their daily lives working for their families. If we do nothing, we invite similar attacks in the future. These cowards must realize that their actions are civilly and morally repugnant and will come at a great personal cost to them.

We congratulate the government for finally getting on with the job of national security. To date, the government's reaction to this critical issue can be best described as slow motion and delayed reaction.

Already the changes are evident on Parliament Hill. There are tighter security controls. There has been the introduction of vehicle inspections and checkpoints. There are more officers on duty today than there were for the first four hours after the strikes in the United States on September 11. I am pleased to see that there is now a heightened level of awareness and vigilance on the Hill, at our airports and in other public buildings. This is welcome and gives confidence and reassurance to those who work in and visit these buildings.

● (2045)

As a past member of the Royal Canadian Air Force, it is fair to say that I have a sense of the military mind and thinking. Our military is proud and ready to serve at any time. As they say in the navy, they are ready, aye ready. They are ready to contribute and assist under any emergency, whether it be ice, fire, flood and of course now the war. They wear their uniforms more proudly today than they have over the recent past. I invite all members of the House when meeting members of our armed forces in uniform to give them warmest greetings and show them that we care and that they are appreciated.

While they have been under the continual assault of cutbacks, slashback and neglect, their years of training and patience again regain importance under present global circumstances. On Wednesday we will see them off from our port of Halifax in new frigates. I have personally been aboard the HMCS *Charlottetown* and can attest to its first rate construction and the pride of its first rate crew: first rate ships for first rate sailors.

I want to allay fears that the aging Sea Kings are unsafe. The crews and pilots need these assurances after recent reports. The minister too has assured us that they will be flown safely under strict limitations. Missions will be limited and greatly downgraded and scaled back from the mission standards of new helicopters, but will still have some limited air transport capability. Some day soon I hope the government will finally order first rate helicopters for our navy's first rate frigates.

I am sure the government will be analyzing our current military state under an expedited timetable. I hope it will revisit tenders in progress to ensure our men and women in uniform will have the best equipment possible to do the job and do it safely.

We must learn the lessons from our experiences in the past. In World War II we traded the safety of our soldiers for the sake of expediency. We provided Sherman tanks that were under-armoured and under-gunned compared with those of the enemy. Many lost

their lives because we traded quality for quantity and low price. We provided the best soldiers with the least effective tank. I hope and pray that the government will never ever follow that strategy of providing lesser capability equipment to our frontline military simply to save money.

This is the time to reassess and reconsider overly simplistic assessments of a reduced threat by the end of the cold war. Today the hot war has begun. It is a war that is fought in some of the most extremely high temperature climactic conditions. The Middle East, Africa, the Pacific, the Balkans and now the Arabian Sea are theatres that severely test the high temperature operating capabilities of a helicopter to perform missions, but perform it must.

While our Sea Kings can be safely operated on very limited missions, they are not designed for service in the extreme heat zones of the world. They cannot lift off from a stationary ship if fully equipped with gear and fuel in over 35 degrees Celsius weather. They have served us well in cooler climates but now need to be replaced with a craft designed for hot war theatres and modern needs. I strongly stress my desire to see the public works minister expedite the maritime helicopter project to replace the Sea King with the best unit available for the job and to leave politics out of the decision for the sake of our aircrews' lives. We need the best equipment in the world for the best men and women in the world. Considering what we are asking of them, it is the least that we can provide. Our soldiers depend on our government to provide them with the very best to go into conflict with. If their lives are on the line, we must give them the very equipment possible.

I would like to comment on the bill we are debating today and read a short extract that emphasizes the need for this bill and the need for the bill to go further. A communique from the Equality Party with the heading "Canada soft and squishy on its own terrorists" indicated that punishment meted out to bombers and languished terrorists is laughable. Mathieu, recently convicted of planting bombs outside the Second Cup restaurants in Montreal because the chain carried an English name, was charged and sentenced and he will be serving no more than one to two months in jail. This is his second offence for a terrorist bombing action.

● (2050)

The judge imposed the minimum sentence despite the fact that Mathieu had a prior record for FLQ terrorist bombing and was described by the judge himself as not yet rehabilitated and motivated. He was motivated: by hate and prejudice.

This underlines the reasoning behind the very real need for the bill today. I support the bill but I would also suggest that it does need vast improvements to strengthen it. However, it absolutely will be a tool in the fight against terrorism.

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Mr. Brent St. Denis (Algoma—Manitoulin, Lib.): Madam Speaker, our attention has been turned upon a changed world since the New York and Washington, D.C., terrorist attacks of September 11. A paradigm shift has occurred, like no other that most of us will ever see. I do not believe we will ever erase the impact of these tragic events on our personal lives, on the life of our nation and indeed on that of our global village. We have had a wake up call like few others in our history.

I have been very proud of the leadership of our Prime Minister and of the tremendous competence exhibited by our cabinet ministers as the government responded quickly, responsibly and carefully to the new challenges of making our neighbourhoods, our country and our world safer for everyone.

I have also been very impressed with the calm and caring response of my constituents and Canadians from coast to coast who refused to rush to justice. I believe the vast majority of my constituents and Canadians, as they express their support for our American neighbours, want us to deal firmly, effectively, thoroughly, but justly, with the threat of terrorism everywhere, not only through this terrible episode but in the future as well.

As we debate Bill C-36, a bill to combat terrorism, let us first review some of the many challenges that seized the attention of our leaders and the government over the past month.

There was the whole general area of security, especially airport security. I remind members that each one of these security matters entailed tremendously complex issues to be resolved and they were resolved quickly and effectively with the assistance of a tremendous public service. There was border security. As we all know, we share the longest unprotected border in the world with our U.S. neighbours. Included with the issue of border security was making sure that cross-border commerce would soon return to some semblance of normality. I would like to mention that the president one of my constituent businesses, Manitoulin Transport, contacted me and asked for our best efforts to make sure that cross-border commerce would return as soon as possible. I am sure every effort will be expended to achieve that goal.

The Prime Minister and all of us have been seized with trying to get life back to normal, making sure that tourists were travelling and that small businesses were trading not only among themselves in this country but across the border.

The Minister of Citizenship and Immigration has been seized with refugee and immigration issues, and of course the media attention, especially in the early days, really put a tremendous amount of pressure on her and the government. I appreciate how it was handled. Her response, along with the responses of other ministers, resulted in great confidence across the nation.

More recently there have been issues of bioterrorism, but we do not know the outcome yet. There is also the issue of money laundering.

Of course there is the need to respond in a military way to the call of our U.S. neighbours and allies to deal with terrorism. We can only express our pride in and appreciation for our military personnel, land, air and sea, for their willingness to be prepared and to, when needed, enter into dangerous situations on our behalf to make sure

that we, our children and grandchildren can look forward to a more peaceful world.

The public has noted with approval the support of both sides of the House for the involvement of our military in Afghanistan and here at home and for the need for an appropriate military response. It has been refreshing. Partisanship has for the most part been set aside during this difficult time. I do know that the public appreciates that.

• (2055)

November 11 is the day that we cherish each year to remember the members of our military from past wars and peacekeeping. We have come to count upon our legion branches across this country to make sure that we never forget the terror and tragedy of war. It is very comforting that at this time we have those elders among us to make sure that we continue with measured steps over the weeks, months and years ahead. There are many lessons that we can learn from our legion members. I want to express thanks to them for what they have done for us. I know that we will be counting on them considerably in the future.

I would like to very briefly mention that I think the government's response to the September 11 attacks has been clear and concise. Canada's anti-terrorism plan has four major objectives. The first is to basically stop terrorists from getting into Canada in the first place and to protect Canadians from terrorist acts. The second is to bring forward tools to identify, prosecute, convict and punish terrorists. The third is to prevent the Canada-U.S. border from being held hostage by terrorists and impacting on the Canadian economy. We count on that Canada-U.S. trade. The fourth is to work with the international community to bring terrorists to justice and address the root causes of such hatred.

More specifically regarding Bill C-36, we must give some credit to the great number of public servants who spent intense hours and days in a large group effort to bring forth legislation that I believe will withstand the test of time. However, with the assistance of the justice committee it will no doubt be made even better. We commend them for their efforts.

Bill C-36 includes defining and designating terrorist groups and activities to make it easier to prosecute terrorists and those who support them. It includes tougher sentences for terrorism offences. It would make it an offence to knowingly participate in, facilitate or contribute to the activities of a terrorist group. It would make it an offence to instruct anyone to carry out a terrorist activity or an activity on behalf of a terrorist group. It would be an offence to knowingly harbour a terrorist. Also, it would move us forward in cutting off financial support for terrorists and would make it a crime to knowingly collect money or give funds either directly or indirectly in order to carry out terrorism. It would make it easier to deny or remove charitable status from terrorist groups under the Income Tax Act and easier to freeze and seize their assets. Of the 12 UN conventions, of which Canada has already ratified 10, the last 2 are ratified in the bill.

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I hesitate to use the word war. I prefer the word campaign, because I think our efforts here are about making peace. However, sometimes making peace requires a firm hand and a firm resolve to deal with people who would abuse the freedoms of others. This is not a campaign against an ethnic group nor is it one against a country or a religion. It is a campaign against terrorists, who are essentially criminals seeking to destabilize our society for their own ends. Regardless of how they would rationalize those ends, in the eyes of the vast majority of the people on this planet those ends are not justifiable. Not only have they hijacked planes for their terrible cause, they have also hijacked a great religion, Islam. Indeed, the roots of Judaism, Islam and Christianity are the same. I am sure no amount of terrorism will deter us from finding peace some day for the entire world.

As I wish our military bon voyage, safe travel and a quick return, I will conclude by expressing my hope that the co-ordinated efforts of the countries of world at this time to deal with terrorism will in due course turn to dealing with the other great challenges of this planet, such as poverty, environmental pollution and other forms of crime.

• (2100)

I am pleased to have a chance to speak tonight. I only hope we will see the end of all this soon.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Madam Speaker, in my statement this afternoon I mentioned that we are campaigning for life without violence. This evening I am obliged to speak of the violence that does exist.

It is a bit of a paradox that we are obliged to speak of such violent things once again, and it will certainly not be the last time we will have to talk about the min the House. We speak of them not only in this House, because I am sure people who watched us yesterday and are watching us today and will watch us tomorrow will continue to speak of the events of September 11. It is part of our day to day reality and we have no choice but to speak of it.

What really bothers me is that I was born in a free country and want it to remain free. I would also like Quebec to be a free country.

Why do I speak of that? Because it annoys me that we have to pass such laws, bills that are vital but affect the balance between security and freedom. I would never have thought that we would have to speak more of security than of freedom.

I have children and I hope they will live in a free country. For us to be in a free country, our freedom must not be curtailed, and this is what concerns me. Our fundamental guarantees must remain untouched also.

We talk of the constitution. This is a major issue. We could simply talk of freedom, but we must look at the source of our freedom and what makes us a democracy, which must be properly enshrined so that we can live in a free country, on a free planet. This is something we should be able to take for granted. We saw what happened on September 11. We had no choice.

Either people are poor or they live in an undemocratic system. They have no freedom and in their lives they have a problem: they are forced to live in abject poverty. That is the word, poverty.

Poverty is why we are talking about antiterrorism legislation today. This is a pity. I hope the money spent on it will not just go to sanctions but will also reduce poverty and suffering so that we can solve the problem of terrorism.

I hope this will be discussed. There is a lot of talk about sanctions and how to stop terrorists, but is there another way to deal with this problem? Maybe this should be looked at also.

There were four objectives in the government's anti-terrorist plan when work was begun on drafting this legislation: to prevent terrorists from entering Canada and to protect Canadians and Quebecers against terrorist acts; to provide tools for the identification, prosecution, conviction and punishment of terrorists; to ensure that the border between Canada and the United States is not taken hostage by terrorists, which would have serious repercussions on our economy, both in Canada and Quebec; and to co-operate with the international community to bring terrorists to justice and to deal with the root causes of the hatred that motivates them. Those were the four objectives.

Something will have to be done about this bill and I hope that the government will have its ears wide open, both here and in committee, that it will not go too fast and that it will listen to experts. We can hear from people who not only are experts in international law but who know a lot about terrorism.

I want the definition of terrorism to be much more precise and not as broad as what we find in the bill now.

• (2105)

That definition does not include a definition of a terrorist. Of course we are told that we cannot get an international consensus on what terrorism is.

The problem is that the bill only refers to terrorist activities without defining terrorism. It goes without saying that it will be difficult to do that, but we should not hurry, because what are terrorist activities?

In the bill, the definition of terrorist activity is twofold. Clause 83.01(1) reads as follows:

an act or omission committed or threatened in or outside Canada that, if committed in Canada, is one of the following offences:—

Then there is a list of ten conventions that were signed and ratified by Canada. There are also two that remain to be ratified and implemented in Canada.

Clause 83.01(1) states the following:

an act or omission, in or outside Canada,
(i) that is committed in whole or in part—

The most important part in that clause is the expression “in whole or in part”.

The expression “in whole or in part” opens up a lot of possibilities. It is not restrictive. It leaves the door open to anything that will follow. It gives an idea of what the legislator wants to do. The legislator is the House of Commons. This expression is broad and is followed by this:

(A)...for a political, religious or ideological purpose, objective or cause,

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(B) ...with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the person, government or organization is inside or outside Canada—

I skip 83.01(1)(b)(ii)(A), (B), (C) and (D) to go to the following:

(E) to cause serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of lawful advocacy, protest, dissent or stoppage of work that does not involve an activity that is intended to result in the conduct or harm referred to in any of clauses (A) to (C).

It is very broad. This paragraph says in part that the organizations seem to be made up of unions or supporters. We have seen what happened at the summit of the Americas in Quebec City. Police officers did a good job. Some of the protesters were there but were not provoking anything. However, things happened that could even be classified as terrorist acts.

We cannot leave such a broad definition of terrorist activity in this legislation. I believe a definition of terrorism should be included, or the concept should at least be explained.

At the European Commission meeting held in September, a proposal was made to the council. Terrorist acts are said to generally affect the physical and psychological integrity of a person or group of persons, their property or their freedom, just as common law offences do. Terrorist offences go much further than that, because they undermine the political, economical and social structures of countries through violence. It is a very severe form of crime.

Moreover, we find the following proposal in a definition of a terrorist offence.

Terrorist offence deliberately committed by a person or group of persons against one or several countries, their institutions, their population, with the intention to intimidate them and to destroy or severely compromise the political, economic or social structures of those countries, in particular murder, bodily harm, kidnapping or hostage taking, blackmail, theft or robbery, unlawful seizure of governmental or state facilities—

I will spare you the rest of the list.

• (2110)

All that is to say that this proposal will be ratified on December 6 or 7 by the Council of the European Union.

Of course, ten minutes go by very fast and that is unfortunate. However, the bottom line is that the concepts of terrorism and terrorist activity really need to be specified.

• (2115)

[*English*]

Mr. Paul Szabo (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Madam Speaker, I am pleased to participate in the debate on Bill C-36. It is an important bill which will be going before the justice committee. Canadians will be comforted to know that it is a very important bill and that it will undergo rigorous scrutiny by the House, both at second reading and in committee. Representatives from all parties will have an opportunity to address witnesses, including the minister, departmental staff and anybody else they feel has relevant information, because the bill is an omnibus bill and touches a number of important aspects related to terrorism.

Many members have already put on the record a number of the provisions of the anti-terrorism bill. I will leave it at that. There were a couple of aspects though that I did want to deal with. It is important that the definition of terrorism or terrorist activity is understood in the context in which the bill deals with it.

Terrorist activity is defined as an offence under one of the 10 UN anti-terrorism conventions or protocols as defined in another jurisdiction or where for political, religious or ideological purposes one threatens the public or national security by killing, seriously harming or endangering a person, causing substantial property damage that is likely to seriously harm people, or by interfering with or disrupting an essential service, facility or system.

It is very important that we are focusing on and dealing with terrorism. The definition is crafted to make it clear that disrupting an essential service is not a terrorist activity. There has been some concern about whether or not this application would be too broad. It is not a terrorist activity if it occurs during a lawful protest at a work site or is not intended to cause serious harm to persons. There is within the definition this clear focus on truly defined terrorist activities.

The bill was introduced yesterday. Constitutional experts will be looking at charter issues and criminal lawyers will be looking at a number of the subtleties.

Two issues have come up that I thought would be of interest to dwell on. One is called the preventive arrest, which Canadians should know about. We are talking about individual rights and freedoms and the extent to which these things would be appropriate, given the circumstances of September 11 and the challenge that free and democratic countries face now.

Preventive arrest is a process whereby something similar to a grand jury would allow people, where there was a suspected or alleged risk of terrorist activity, to be taken into custody. During this process they would be subject to the rules of perjury. In other words, if they lied or it was shown that they had lied in their responses, they could be subject to the laws relating to perjury. They would not be able not to answer questions in that hearing. If they did not answer, like in any other judicial proceeding they would be held in contempt according to contempt laws.

Interestingly enough in this process nothing that they would say could be used against them in the event that they were ultimately charged. It is a separate process. It is a new instrument that I wanted Canadians to be aware of.

• (2120)

As a result of a preventive arrest, the outcome could be that the people would simply be released because the judge was satisfied. They could also be charged as a result of the information developed by the investigation. They could even be released with certain conditions, similar to a peace bond situation. This is mutual and Canadians would want to inform themselves and watch the development of this issue.

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The second one I thought was interesting is a process called the investigative hearing. This is something similar to a process whereby people would receive a subpoena to appear before a hearing in which they would be asked certain questions related to their activities. This may lead to other things. However it is another tool which would help to achieve the objectives of the bill to allow those who are responsible for detecting and preventing terrorist activities from occurring to be able to deter terrorist activity.

The bill contains a number of other aspects. Members have very eloquently described the extension of wiretap provisions and the impact on other jurisdictions, police forces and provincial integration.

In looking at this issue I thought about the ongoing process and discussions of the post-September 11 attacks. It has to do with the allegation by some that Canada is a haven for terrorists. This is a very serious allegation and a very serious indictment and Canada should strongly respond to the myth of that statement.

This act will be one of the tools we can use to dispel that myth. It would be quite legitimate to suggest that if Canada did not have an effective anti-terrorism piece of legislation comparable to the legislation in place in other jurisdictions such as the United States, Great Britain or elsewhere it would be the weakest link. Canada would in fact become that haven. It is very important for us to know what is going on internationally to make sure that the provisions under this act work and work in the same realm of effectiveness we see in other jurisdictions.

I want to finish off with something that concerned me a bit today. There was a speech on the bill by the Leader of the Opposition in the House. As usual, the discussion always seems to slip into immigration and refugee issues. We talk about new Canadians and how we will toughen up the Immigration Act because of criminals coming into Canada or what will we do about it.

No issue has been stressed more by the Prime Minister, the Minister of Foreign Affairs and members of our caucus than the importance of understanding this is not a war against Afghanistan. There are terrorists who happen to be in Afghanistan. We cannot let this become a cultural or a religious bias. I do not think anyone in Canada would say that anyone of Afghani background should be suspected of being a terrorist.

I remind Canadians of what the Prime Minister said last night in the debate and today in question period. We have taken every step possible to ensure that the rights and freedoms of Canadians and all those on our soil who are protected by the charter of rights have been fully taken into account. Those rights and freedoms will be unaffected substantively by this legislation.

There is no question that we, as a small country with a baby boomer situation and an aging society, will depend very heavily on the immigration system over the next 20 years to provide us with people to support our population base and our economic base.

● (2125)

We welcome immigrants. We welcome new Canadians to the best country in the world. Those rights and freedoms that the Prime Minister was so instrumental in bringing to Canada are rights and freedoms that we are going to protect as part of this bill.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Madam Speaker, as others have said 10 minutes is a very short time. I can assure everyone that I wish I had an hour or two because there are so many aspects of the bill I would like to speak on. What I will do is limit myself to one part of the bill about which my colleagues have not spoken. They have covered some very important areas in other parts of the bill, but I would rather talk about some of the things that are missing from the bill, and one in particular.

There is a conundrum that opposition MPs find themselves in when the government comes out with a bill that has perhaps 60% of or 40% or even 20% of what it should have in it. Do we vote against because it does not have everything it is supposed to have or do we accept that it has some good in it and pass it because anything is better than nothing? That is something that I will need to look at.

The government says this is critically important. We have even negotiated a swift passage of this bill to committee. That is why we are in tonight at a late hour. If the government really were sincere about that, I would remind it that we brought forward a supply day motion almost a month ago that was essentially the same, in fact different only in the respect that the government has left some things out that should be in it and which were addressed in our supply bill.

I hope that the ministers present will pay particular attention to what I have to say in the hope that they might convince their colleague, the Minister of Transport, when they meet in committee to reconsider some of the things he is doing or rather fails to be doing.

The area I want to talk about, and which needs to be addressed to seriously deal with terrorism or the threat of terrorism in the country and the safety of Canadians, is airport and aircraft security. I want to talk about a single example because that is unfortunately all that time will permit. It is a very serious breach in airport security.

The minister is talking about spending a very large portion of the money in the transport sector on enhanced new equipment that will go into the big airports, such as Pearson, Montreal and Vancouver International. The problem is, as the old saying goes, a chain is only as good as its weakest link. There are dozens of small airports around the country that feed into the big airport locations and have almost no security at all. They do not have basic x-ray equipment.

Bags are checked by very conscientious people using nothing but their eyes and hands. As people might well figure, particularly with hard shell luggage, it is not very hard to put false compartments or false bottoms in certain types of suitcases. They can run them through and check them, but we know already from the minister's own testimony in the House that, just as bureaucrats attempted to take fake guns through security, one in five make it through. That is in airports that have the fancier equipment now.

What happens when a sincere terrorist, who will use any method available to him, tries to do this at some low key location? The minister is putting all his eggs in the high traffic airports and is in fact doing nothing. I asked him in committee and he confirmed that the government had no plans whatsoever for these small airports.

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People will go through security in these low key airports and then fly to places like Vancouver, Calgary, Pearson or Montreal. They will land in those airports and disembark into the terminal, not outside but inside. Then they will pass this fancy new enhanced equipment, which the minister has said he intends to purchase. What have we done? We have bypassed all the safeguards the minister has claimed he will put in place. Those people are now between the security system and the aircraft.

I can assure everyone there are a lot of other ways. I have worked in the industry for most of my life and I could go on for an hour describing the various ways that a serious terrorist could breach security and get weapons onto an aircraft. That means that the aircraft itself is the last line of defence in terms of thwarting the plans of a hijacker or terrorist, particularly one that is plotting some horrific action like what was done in the United States on September 11.

● (2130)

Those three things that must be done are these. The cockpit crew must be secured. The crew must be informed of what is going on. There has to be a method to subdue a hijacker if one should try to take over the plane.

The flight crew is secured inside the cockpit by having a substantive locked door with the necessary structure so that it cannot easily be broken down, never mind just opened. Once the crew is secured inside the cockpit, it does little good if they do not know exactly what is going on inside the main cabin. That can be done by installing a very inexpensive closed circuit television that will give a view of what is occurring in the cabin.

Now we have the crew inside a secured cockpit and we have them informed as to what is going on. What happens if one or more hijackers or terrorists try to take over that aircraft? What do they do if terroriste hold a young flight attendant and threaten to cut her throat if the crew does not open the door? What if they proceed to do it, then say they will do it to one passenger every minute until they open the door, or conversely if they start to break down the door?

Air marshals are one possibility, provided it happens to be a flight on which there is an air marshal and provided there are not enough terrorists on board that they actually outnumber the air marshals.

Another thing that has been suggested is to arm the crew. I personally do not think that is a great idea because before the flight crew can use a firearm, if that is what they have been provided with, or stun guns like British Airways has talked about, they first have to breach the secure mechanism between them and the hijackers. They have to put themselves in harm's way in order to have the possibility of using this. Depending upon what the terrorists are armed with that may not be a very good idea.

I will suggest something that is very drastic but I am suggesting it under drastic circumstances. It is serious when passengers or crew on board the aircraft are harmed seriously or killed or when there is an attempt to break the door down. That suggests there is a good possibility the aircraft could be used as a missile and flown into a building, as was the case in New York City on September 11.

Under those circumstances, we should have a serious talk about the concept of having a cannister whereby the pilots could go on an

oxygen system and release the contents of that cannister into a main cabin and put out the people who are in there. That is drastic, but so are CF-18s flying in our airspace armed with missiles with the knowledge that they may be called upon to shoot down that aircraft with its passengers. I fly a lot and if I had my druthers I would far sooner be knocked out with a knockout gas than shot down by one of our CF-18s.

It certainly matters that we have a terrorism bill. There definitely is some good in the bill, but there are some gaping holes in it as well. Until we fill those, we are still putting at risk Canadians who are depending on us to look after their safety.

Maybe I will close with the facet of the costs associated with this. I would suggest that there are no costs on a net basis. One of the solutions for small airports, which has been discussed before, is to do away with security at these airports. We are talking about Beach 200 twin engine turbo props. We are talking about Dash 8s. No one will to hijack them. They can be rented or leased without any security at all. If the aircraft are flown to Vancouver, the passengers could be released not on the secure side but into the main terminal building. If they wish to go onto the main aircraft, they would then have to go through that enhanced security.

● (2135)

The government got rid of the cost of putting the gas system on board the airplane, building up the door and putting on a closed circuit system. If the airlines did this they would create confidence in the travelling public. If one passenger flew on each aircraft once at full fare across Canada it would cover the entire cost. We can do a lot better than we are doing with this bill. I hope the government will be amenable to improving it when we reach committee.

Mr. Svend Robinson (Burnaby—Douglas, NDP): Madam Speaker, I am pleased to speak to Bill C-36. These are particularly dangerous and fragile times not only for us as Canadians but internationally as well. We are witnessing a United States led bombing campaign in Afghanistan which, in my view and the view of my colleagues, is in breach of international law. The response to the September 11 terrorist attacks should be under the framework of the United Nations.

These are also very dangerous and difficult times on the domestic front. Thomas Berger wrote an eloquent book on the fundamental rights and freedoms of Canadians. He called it *Fragile Freedoms* and indeed the freedoms that Canadians have are fragile, particularly those set out in the charter of rights and freedoms.

It is precisely at times such as these that those freedoms are potentially under the greatest assault. We recall during World War I the internment of Canadians of Ukrainian origin, and in World War II the internment of Canadians of Japanese origin and the confiscation of their property.

[*Translation*]

Of course in 1970, the War Measures Act was invoked and 400 Quebecers were arrested without any evidence, incarcerated for several weeks and then released.

I am very proud of the fact that at the time the NDP was the only party to say "No, this is not acceptable; this is an abuse of power".

Government Orders

[English]

Before we invoke the kinds of sweeping new powers contained in Bill C-36, it is critically important that the government demonstrate to Canadians that the existing powers in legislation accorded to the Royal Canadian Mounted Police, to CSIS, to the Communications Security Establishment and to the Canadian armed forces are inadequate to respond to the terrorist threat. If we are not in a position to ensure that is indeed the case and if we are extending sweeping new powers, they risk violating the most fundamental rights and freedoms set out in the charter of rights. I believe that in a preliminary review of this legislation there are a number of provisions of the legislation that risk violating the charter of rights and freedoms.

I have a particular personal interest in that charter having been a member of the constitution committee that drafted the charter of rights back in 1980-81. I believe I am the only sitting member of the House who was in fact a member of the committee that wrote the charter of rights and freedoms. I recall the minister of justice at the time was the member for Shawinigan, today's Prime Minister. We wrote that charter for a very specific reason. It was to ensure, particularly at times of widespread popular sentiment that might risk assaults on fundamental rights and freedoms, that the judiciary would be in a position to say "No, you are going too far". I believe that we risk going too far in this legislation.

Certainly the internment of Canadians of Japanese origin was popular. The proclamation of the War Measures Act was very popular. However they were both profoundly wrong. When I read for example the definition of terrorist activity in this legislation none of us have any concerns about the incorporation of the various United Nations conventions. My colleague the member for Winnipeg—Transcona, the New Democratic Party justice critic, spoke earlier on this legislation. He pointed out that there was no issue with respect to that or indeed a number of other provisions of this legislation that we would be prepared to support.

However the definition of terrorist activity I believe goes too far. It refers to political, religious or ideological purposes. It talks about causing serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of lawful advocacy. Consider for a moment the possible risks of this and what this could be applied to. There are many examples of this, some historic, some current.

The African National Congress in its fight against the brutal and racist apartheid regime in South Africa would clearly have been caught by this legislation, as would any Canadian who supported the African National Congress in its fight against apartheid. I see the member for Edmonton—Strathcona. I know he was a long time opponent of apartheid. He probably even sent a dollar or two to assist in the struggle against it. Had this legislation been in effect, he, as well as I and others, would have risked imprisonment for that. I do not want to see us bringing in legislation that would imprison people who are supporting those who are fighting tyrannical, brutal, repressive regimes.

I recall the freedom fighters in East Timor fighting against the genocidal Indonesian regime. I remember the Sandinistas fighting against Somoza in Nicaragua. I remember the FMLN in El Salvador.

Those are some of the historic examples. As Alan Borovoy of the Canadian Civil Liberties Association said, "It is one thing to say we won't countenance people assisting dictators against democrats, but why shouldn't Canadians be free to assist democrats against dictators?" This bill would appear to criminalize that activity.

•(2140)

Today we know that there are people around the world who are engaged in struggles. Whether Canadians agree or disagree with them, do we want to define as terrorists those who support self-determination for the Tamils, for the Chechens, for the Kurds or the Kashmiris? I think here particularly of the Kurds who have been tortured, villages that have been destroyed by the repressive Turkish regime, and member of parliament Leyla Zana who has been imprisoned. For those of us who wish to support them in their struggle against that repressive regime, would we be subject to this legislation?

Here in Canada would environmentalists or labour activists who were engaged in protests be subject to the sweeping powers under this bill?

My colleague from Winnipeg—Transcona has pointed out as well the provisions on preventive detention and investigative questioning, the sweeping new wiretapping provisions, the new unprecedented powers to the Communications Security Establishment, the powers for ministers to override the freedom of information legislation by executive fiat.

I will say in closing that I would support sending the subject matter of the bill to committee, and sending it to committee urgently, but I cannot support the bill in its present form. I believe that the powers that are in the bill constitute potentially a very grave abuse of civil liberties.

There must be a sunset clause as well, not simply a review after three years but a sunset clause, to ensure that the many draconian provisions of the bill in fact are not extended beyond a one year period.

I voice my deep concern about the legislation and in closing point out the words of Clayton Ruby who has reminded Canadians that once these extraordinary powers are brought in, they are not rolled back. As Fred Kaufman, a former judge of the Quebec Court of Appeal, who was appointed by Prime Minister Pierre Trudeau to prosecute people after the 1970 FLQ crisis, said, "One has to be careful because emergency legislation drafted in haste stays on the statute book".

•(2145)

[Translation]

Mr. Réal Ménard (Hochelaga—Maisonnette, BQ): Madam Speaker, let me say at the outset that I am very much aware of the magnitude of the events that have led to the introduction of Bill C-36.

Government Orders

I was here when the House considered Bill C-95, which was brought about by the events that resulted in the death of Daniel Desrochers, a young boy from my riding of Hochelaga—Maisonneuve. Then there was Bill C-24, which is currently before the other House.

When I give speeches, I always start by saying that it is important to find the proper balance between the role of the state, which is to ensure public safety and security, especially when it comes to fighting organized crime or, as in this case, terrorism, and the most virulent forms of terrorism we have witnessed in September.

I still think that we need to balance the tools we give the state and its officers, including police officers, with the freedoms that are so dear to all of us.

I have been and still am under the impression that with the defunct Bill C-95 and with Bill C-24 we had managed to reach our goal. After a quick glance at Bill C-36, I am not so sure we can do it with this legislation.

As it stands today, if we were to have a vote at third reading to pass as is all the provisions introduced today, I would find it somewhat difficult to support the government. Why? The problem is not the goal, as I believe that everyone of us will agree with the principle that we must fight terrorism as it now exists.

When we talk about keeping terrorists out of Canada, when we are asked to provide the necessary tools to identify and prosecute people who carry out terrorist acts, I agree. When we are told that we must prevent the Canada-U.S. border from being held hostage by terrorists, I agree. When we are told we must work in co-operation with the international community to bring terrorists to justice, in particular to be tried by an international court, these are all goals that we fully support and for my part I support them, just as my Bloc Québécois colleagues do.

The problem is that to know whether to reach such goals, which are not only laudable but our duty as parliamentarians, do we really need a two page long definition, like a Spanish inn where everyone and anyone can find something to his liking?

Let us look at the definition of a terrorist act, and I quote:

(b)—an act or omission, in or outside Canada—

So far so good. Then it states:

(A)—in whole or in part for a political, religious or ideological purpose, objective or cause—

This exposes the government to a lot of criticism. Then it states:

(B)...with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government, or a domestic or international organization to do or to refrain from

doing any act, whether the person, government or organization is inside or outside Canada.

This, I believe, might lead to excesses. A militant organization opposed to the status quo might be working to bring about changes for ideological reasons and one might consider that to be economically compelling. One might consider it to be compelling as far as the government structure is concerned.

• (2150)

It is not a definition that should automatically apply to non-terrorist organizations.

To keep it short, I think that in committee we will need to tighten the definition of terrorist activity or terrorist group.

The committee will also have to consider very seriously another matter of concern, which is the fact that the Attorney General of Canada, the Minister of Justice, might use information to build a case or to instruct her officers to act on her behalf without necessarily having to account for how she carries out her duties.

What this means is that the Attorney General of Canada or any of her officers could act in such a way that we would end up with no one being held accountable. Not only would no one account for their actions, but we would not be able to find out why they acted the way they did because that information would not be made available through access to information.

Another area of concern relates to the fact that in a piece of legislation as important as the one dealing with gangs and organized crime, the government found a way to use judicial authorizations in just about any circumstances, but it will not be able to do so in this case.

Since my time has expired, I will conclude by saying that I hope some serious work will be done in committee. I must say that we will have a number of criteria. For example, we hope that the legislation, once it is passed, will remain in force only for a specified period. That means that after three years it should not be simply reviewed and extended. We want parliamentarians to have the opportunity to vote on it again, because the time will have come to determine to what extent it has helped us meet our objectives.

I also want to caution the government against trying to fast track the process in a way that would give us only a few days to consider this bill in committee. I think that somewhere around Christmastime would be a decent target from a parliamentary point of view.

Government Orders

[English]

Mr. Irwin Cotler (Mount Royal, Lib.): Madam Speaker, the introduction of this legislation has generated a configurative response which tends to characterize if not stereotype the discussion as one of national security versus civil liberties. Accordingly, I would like to identify if not briefly comment upon a cluster of areas that have been configured as national security versus civil liberties concerns.

I would like to suggest that the appropriate optic should be that of human security, that the appreciation of this legislation should be approached from the perspective of the promotion and protection of human security and which sees the anti-terrorism law and policy as a priority on the human rights agenda and not simply on a national security agenda, and which jettisons the moral and legal shibboleth that one person's terrorist is another person's freedom fighter, which has blunted and blurred the moral and juridical divides and pre-empted and precluded effective anti-terrorism law and policy.

First, it has been said that the legislation is not unlike the War Measures Act, that it is violative of our guaranteed fundamental freedoms under the charter of rights and freedoms and that it will not pass constitutional muster.

It is important to recall that there was no charter of rights at the time of the War Measures Act, that the provisions authorizing preventive detention and the like under the War Measures Act have no parallel under the present legislation; that the rights and freedoms under the charter are not absolute but are subject to reasonable limitations prescribed by law, as can be demonstrably justified in a free and democratic society; and that the supreme court has developed a number of interpretative principles, such as the contextual principle, the internationalist principle and the comparativist principle, to determine whether any limitations are in fact demonstrably justified.

For example, under the contextual principle, the issue would not be examined under the abstractions of national security versus civil liberties, but under the concrete case and context of terrorist assaults on human security.

Under the internationalist principle, the court would look to see whether the legislation is in pursuit of our international treaty undertakings and the like.

Under the comparativist principle, the court would look to see what other free and democratic societies like the United States and the United Kingdom have done. Under the margin of deference principle the court might well defer to a parliamentary judgment respecting the overall promotion and protection of human security in the face of this international terrorist assault.

Second, the question arises whether the definition of what constitutes terrorist activity and terrorist offences and whether these definitions are over-broad or sufficiently circumscribed to pass constitutional muster. It is clear that in respecting the delineation of terrorist offences, pursuant to the 10 issue specific international anti-terrorism treaties, these offences are properly defined and circumscribed and they incorporate by reference definitions already under the international treaties and present in the criminal code.

With respect to new definitions of terrorist activity as set forth in proposed section 83.01 of the act, they appear to be clearly defined, both with respect to the character of the terrorist acts and the mens rea, or guilty intent, required for prosecutable purposes.

Third, with respect to the issue of participation and contribution offences, the burden of proof will be on the state to establish that there was intent on the part of the accused that the activities were for the purpose of facilitating or carrying out terrorist activity.

Fourth, there is the issue respecting the process of adding a group to the list of terrorists. Admittedly, it incorporates a number of protections, including provisions for removal, judicial review and safeguards to address cases of mistaken identity. As well, the list must be reviewed every two years by the solicitor general, but this well may become a politicized provision which would prejudice the integrity of the anti-terrorism law and policy and therefore should be approached with respect to appropriate findings of fact and conclusions of law.

Fifth, there is the civil forfeiture scheme, which raises the question as to whether the procedural safeguards respecting confiscation of property are sufficient. In that context it is important to note that the safeguards include court protection of the interests of family members in the principal residence, access to the property in order to meet reasonable living and business needs and legal expenses and appeal procedures.

Sixth, there is the issue of the financing of terrorism offences. Here it is important to appreciate that this offence has been established pursuant to our prospective ratification of the international convention for the suppression of the financing of terrorism, that it requires the consent of the attorney general to prosecute, and that the state must establish a mens rea threshold that the accused knew or intended that the moneys or resources were in fact being used to plan, facilitate or carry out terrorist acts.

Government Orders

• (2155)

Seventh, in fulfilling its mandate to collect information, the Communications Security Establishment must receive authorization from the Minister of National Defence to intercept any communication to or from a foreign target located outside Canada that originates or ends in Canada. Admittedly the minister must be satisfied before issuing such an authorization that measures are in place to protect the privacy of Canadians, but should there be a requirement for a judicial authorization cabinet ministers would delegate this authority.

There are three other points in the bill which I will identify. Eighth, is there a breach of the solicitor client privilege with respect to information disclosures mandated under the act? Ninth, what

about the provisions respecting preventive arrest which admittedly required judicial authorization and consent of the attorney general but which are new procedural approaches in that regard? Tenth, are there investigative hearing provisions where the judge may order the examination of a material witness?

These are 10 neuralgic points which the Standing Committee of Justice and Human Rights will address in the days and weeks ahead.

The Acting Speaker (Ms. Bakopanos): It being 10 p.m., pursuant to order made earlier today the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 10 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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