



CANADA

# House of Commons Debates

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VOLUME 140 • NUMBER 078 • 1st SESSION • 38th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

**Thursday, April 7, 2005**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, April 7, 2005

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

•(1000)  
[English]

### CERTIFICATES OF NOMINATION

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 110(2), I am tabling a certificate of nomination with respect to the Atlantic Pilotage Authority. This certificate stands referred to the Standing Committee on Transport.

I am also tabling a certificate of nomination with respect to the Laurentian Pilotage Authority and this certificate stands referred to the Standing Committee on Transport.

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### GOVERNMENT RESPONSE TO PETITIONS

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I would like to table the government's response to 86 petitions.

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### COMMITTEES OF THE HOUSE

#### ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

**Ms. Nancy Karetak-Lindell (Nunavut, Lib.):** Mr. Speaker, I have the honour to present the fourth report of the Standing Committee on Aboriginal Affairs and Northern Development regarding the effectiveness of the government alternative dispute resolution process for the resolution of Indian residential school claims.

#### PUBLIC ACCOUNTS

**Mr. John Williams (Edmonton—St. Albert, CPC):** Mr. Speaker, I have the honour to present the ninth report of the Standing Committee on Public Accounts concerning chapter 3 of the sponsorship program; chapter 4, advertising activities; and chapter 5, management of public opinion research of the November 2003 report of the Auditor General of Canada.

In accordance with Standing Order 109, your committee requests a government response with 120 days.

It says the November 2003 report but I thought it was the February 2004 report. We will get that corrected.

\* \* \*

[Translation]

### WORKPLACE PSYCHOLOGICAL HARASSMENT PREVENTION ACT

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ)** moved for leave to introduce Bill C-360, an act to prevent psychological harassment in the workplace and to amend the Canada Labour Code.

She said: Mr. Speaker, it is with great pride that I table this bill before you.

This enactment defines psychological harassment and abuse of power, requires the public service of Canada to provide its employees with employment free of psychological harassment and requires every employee of the public service of Canada to disclose behaviour that is contrary to these principles.

The enactment also provides for the exercise of recourse, the imposition of fines and the taking of remedial action when an employee who has made a disclosure is subjected to retaliation.

Lastly, the enactment amends the Canada Labour Code to prohibit acts of psychological harassment.

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

\* \* \*

•(1010)  
[English]

### PETITIONS

#### MARRIAGE

**Mr. John Williams (Edmonton—St. Albert, CPC):** Mr. Speaker, I have the pleasure, on behalf of hundreds of my constituents around the Edmonton area, to table three petitions asking Parliament to respect the traditional definition of marriage as a legal and religious union between one man and a woman to the exclusion of all others. They call upon Parliament to enact legislation to ensure that is the case.

#### JUSTICE

**Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, it is my pleasure today to present a petition on behalf of residents of the city of Kamloops.

*Routine Proceedings*

The petitioners draw to the attention of the House that they have knowledge that 60% of all calls for service at their RCMP detachment in Kamloops are property crimes and related matters, including break and enter and theft from businesses and residences and theft of auto and theft from auto.

The petitioners say that they have been informed that 90% of all property crime in British Columbia is driven by the illegal drug trade, and that the theft of auto by serial criminals, who are known as repeat offenders, has become an epidemic problem that includes the death and serious injury of police officers and the general public.

Therefore the petitioners call upon Parliament to enact meaningful progressive sentencing legislation against serial offenders involved in auto crime and drug trafficking.

## AUTISM

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am very pleased to present, on behalf of my constituents and Canadians, two petitions.

In the first petition, Canadians from a number of regions of Canada call upon the House to protect the rights of children with autism, who are among the most vulnerable members of our community.

They petition the government to amend the Canada Health Act to include the treatment of autism and ensure that the highly effective IBI and ABA method of treatment of autism is provided in Canada to support these children to live full and complete lives.

## COPYRIGHT ACT

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the second petition is signed by several hundred people from Burnaby—New Westminster and throughout Canada and focuses on the Copyright Act.

Petitioners want the House to maintain the balance between the rights of the public and the rights of the creators. They demand that the government not extend the term of copyright and preserve all existing users' rights to ensure a vibrant public domain.

The petitioners also call upon Parliament to ensure that users are recognized as interested parties and are meaningfully consulted about any proposed changes to the Copyright Act.

[*Translation*]

## CANADA LABOUR CODE

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, I would like to table a petition from Canada Post employees in Quebec signed by 9,000 people.

This petition calls on all parliamentarians to pass a Canadian anti-scab law similar to the one in effect in Quebec for the past 28 years.

As hon. members know, this bill will be coming to a vote on second reading next Wednesday.

[*English*]

## AUTISM

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, I have four petitions to present. The first petition is from folks who are petitioning on behalf of children of autism.

The main point made by the petitioners is that therapy and treatment for children with autism should be a medically necessary service under the Canada Health Act.

• (1015)

## CANADA POST

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, my second petition is from folks in the Smeaton area who want the Post Office to remain open and to retain the moratorium on the closure of rural post offices, which is quite a problem in rural Saskatchewan.

## MARRIAGE

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, the next petition concerns a law to protect the traditional definition of marriage and that Parliament take all necessary steps to protect the union of one man and one woman to the exclusion of all others.

## AGE OF CONSENT

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, the last petition is from the people of Melfort, Saskatchewan who are calling for changes to the law to protect children from sexual predators.

The petitioners ask for the age of consent to be increased from 14 to 18 years.

## MARRIAGE

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, it is an honour for me to present this petition on behalf of constituents on the issue of marriage.

The petitioners have noted that marriage is defined in almost all religions and cultural groups as the union of one man and one woman to the exclusion of all others. They note that this House passed a motion in 1999 affirming that definition.

The petitioners call upon the House to amend the Constitution and put in the Constitution that the definition of marriage is the union of one man and one woman to the exclusion of all others.

**Mr. Peter Goldring (Edmonton East, CPC):** Mr. Speaker, I am pleased to present a petition on behalf of a thousand people mostly from Edmonton, but also throughout Alberta.

The petitioners wish to say that because the historical, cultural, traditional and natural definition of marriage in Canada has always been a union of one man and one woman, they feel that Parliament should use all possible legislative and administrative measures to retain the current definition of marriage as the union between one man and one woman, thereby reaffirming the true will of the majority of Canadian people.

*Supply*

[Translation]

**QUESTIONS ON THE ORDER PAPER**

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):**

Mr. Speaker, the following questions will be answered today: Nos. 93 and 94.

[Text]

Question No. 93—**Mr. Brian Pallister:**

What steps have been taken by Canada Post with regard to the special hires indicated in the Deloitte & Touche audit of Canada Post in 2004?

**Hon. John McCallum (Minister of National Revenue, Lib.):**

Mr. Speaker, Canada Post Corporation took the following steps with respect to employees identified in the Deloitte & Touche Report on the Examination of Management Practices dated July 23, 2004.

The employment of each individual still in the employ of Canada Post was assessed against four business criteria:

Is there a current business requirement for the position?

Do the employee's skills and competencies fit the role?

Is the employee's performance acceptable and measured appropriately?

Is the employee's compensation consistent with the job rate and with peers?

No further action was taken in respect of those employees whose assessment satisfied all four of the above business criteria. Either action was taken to bring an individual's employment in line with the business criteria or the employment relationship was severed in respect of employees who failed to satisfy one or more of the criteria.

Question No. 94—**Mr. Brian Pallister:**

Were performance evaluations, remunerations and Canada Post contract obligations for each special hire employee as highlighted in the Deloitte & Touche audit of Canada Post reviewed and, if so, what were the results?

**Hon. John McCallum (Minister of National Revenue, Lib.):**

Mr. Speaker, Canada Post Corporation took the following steps with respect to employees identified in the Deloitte & Touche Report on the Examination of Management Practices dates July 23, 2004.

The employment of each individual still in the employ of Canada Post was assessed against four business criteria:

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\* \* \*

[Translation]

**QUESTIONS PASSED AS ORDERS FOR RETURNS**

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):**

Mr. Speaker, if Question No. 90 could be made an order for return, the return would be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 90—**Mr. Rob Merrifield:**

With regard to health spending: (a) of the \$90 million committed in Budget Plan 2003 for improving national health human resources planning and coordination, the forecasting of human health resources needs and for the expansion of professional development programs, how much has been spent and how has it been disbursed; (b) specifying in any case the launch and completion dates, and the cost, how much has the government spent during the last five fiscal years on sectoral studies on physicians, nurses and other health professionals; and (c) based on current trends and specifying the numbers for each profession at each point in time, how many doctors and nurses does the government foresee Canada having in five, ten and 20 years, and by how much in each case, if at all, will these numbers be short of or in excess of Canadian requirements?

(Return tabled)

[Translation]

**Hon. Dominic LeBlanc:** Mr. Speaker, I ask that all remaining questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[English]

**SUPPLY**

OPPOSITION MOTION—AIR-INDIA

**Mr. Gurmant Grewal (Newton—North Delta, CPC),** seconded by the member for Toronto—Danforth, moved:

That, in light of the fact that the Air-India bombing was the largest mass murder and terrorist act in Canadian history, and evidence that errors were committed by the investigative agencies involved, this House calls for an independent judicial inquiry into the investigation of the Air-India bombing of June 23, 1985.

He said: Mr. Speaker, I am pleased to rise today to lead off debate on the Conservative Party's supply day motion. At the outset, let me first convey our sympathy, condolences and our prayers for the families of the victims.

On June 23, 1985, 329 innocent people, the majority of them Canadian citizens, were mass murdered. Over 80 victims were children under the age of 12. Twenty complete families were killed. Six parents lost all their children. Two dozen people lost their remaining family members and were left alone.

### Supply

The enormity of this tragedy, the worst act of terrorism in Canadian history, cannot be overstated. Last month a not guilty verdict in the Air-India trial brought to a close another chapter in a 20 year saga. The relatives of the victims of the Air-India bombing are still left searching for answers. They want and deserve justice, but justice is beginning to look as if it is out of reach.

Two weeks ago in British Columbia, my leader met with the families of the victims. One lady said that a public inquiry is already 20 years too late. Canadians want closure to the sad story of the Air-India bombing. This case has been an absolute farce from the beginning, with the judicial system and the families of the victims the clear losers.

We must have final and clear answers to the issues surrounding this tragedy, including what went wrong in the investigative process. A public inquiry is needed to help ensure that this gross injustice never happens again.

Families of the victims have said that the only way for the government to rectify what they see as a second tragedy is to convene an inquiry. My leader, the leader of Her Majesty's official opposition, called for a public inquiry on March 16, just shortly after the decision was released.

In June 1985, bombs were placed on two Air-India flights, one originating in Canada. One bomb destroyed flight 182 at 31,000 feet over the southwest tip of Ireland, killing all 329 people on board. The other exploded 54 minutes earlier in baggage being transferred at Tokyo's Narita airport to Air-India flight 301, killing two baggage handlers and maiming four.

The story of the bombing goes back to before that murderous day. On June 4, 1985, members of CSIS followed two men into a forest on Vancouver Island. They heard a loud explosion, but did not regard the incident as important.

Five months later, those two men, Talwinder Singh Parmar and Inderjit Singh Reyat, were arrested on various weapons, explosives and conspiracy charges. Police revealed that the charges were connected with the Air-India disaster. However, the case against Parmar turned out to be flimsy and the charges were dropped. Reyat was fined on a minor explosives charge. Both were released. Parmar, regarded by the RCMP as the mastermind of the Air-India bombing, was allowed to leave the country and was mysteriously killed in a fake police encounter in India in 1992.

• (1020)

Next, Vancouver businessman Ripudaman Singh Malik, and Ajaib Singh Bagri, a sawmill worker, were arrested in 2000 and charged with a list of offences, including murder. Prosecutors took 13 months to present evidence and 115 witnesses testified in the most complicated and costly case in Canadian history. In delivering his not guilty verdict on the case, Justice Josephson ruled that justice would not be served if there were any doubt of the defendants' guilt.

With the not guilty verdict, there has now been only a single conviction to come out of the 20 year investigation into the Air-India bombing. Reyat ultimately pleaded guilty to manslaughter and was sentenced to only five years in prison, but widespread expectations that he would testify against Malik and Bagri proved unfounded.

After 20 years, 250 RCMP officers on the case, \$150 million and listening to 115 witnesses, we have no answers to who are the terrorists, who is guilty and where is the justice.

It was mass murder and it deserves justice. Already, justice delayed is justice denied. It has become a mockery of the justice system. There were unforgiveable lapses and failures in the system before and after the tragedy. There have been allegations of the RCMP and CSIS bungling the investigation and of the government's lack of action in the face of apparent knowledge of impending attacks by terrorists and knowledge of the perpetrators themselves.

I would like to quote a former CSIS officer involved in the Air-India probe. His words appeared in *The Asian Pacific Post*:

First of all I have to say that the verdict did not come as a surprise. The botched investigation is a disgrace. I believe that its failure was caused by incompetence and stupidity at the highest levels of government, the RCMP (Royal Canadian Mounted Police) and CSIS (Canadian Security Intelligence Service).

I also feel ashamed that I was part of it.

Most of all, I feel sick at heart for the relatives of the murder victims. I would like to apologize to every single one of them. That's how I feel.

His grief is understandable. Let us consider that there was surveillance of the suspects as late as just a few days prior to the tragedy. There were warnings to authorities from within and outside Canada. The screening system repeatedly did not function. Unaccompanied baggage carrying the bombs was allowed to be transported. There was an alleged mole, or moles, in our security system. The mastermind suspect of the terrorist plot was allowed to leave Canada and was then mysteriously murdered in India. Many other suspects have been killed in Canada. There was a breakdown in communication and cooperation between CSIS, the RCMP and perhaps the FBI.

After charges against Parmar were dropped in 1985, the next embarrassment for the investigation came with the news that CSIS had destroyed tapes of telephone calls made by people suspected of involvement in the Air-India case. In 2000 a former CSIS officer told *The Globe and Mail* that he had destroyed the 150 hours of tapes and written notes rather than hand them over to the Mounties because he feared the identities of informants would be revealed.

The agent, whose identity has not been revealed, told *The Globe and Mail* that he destroyed taped interviews with two people who had been questioned during the investigation. The agents said the two men wanted to remain anonymous—obviously—and he feared their request would not be honoured if the tapes were handed over to the police.

*Supply*

● (1025)

The agent said the investigation had been so badly bungled that there was a near mutiny by investigators handling the probe. He said it led to a fierce turf war between the Canadian intelligence agency and the Mounted Police. According to the RCMP documents, CSIS also ordered the destruction of wiretaps to conceal the fact that one of its agents had infiltrated a circle of Sikh extremists planning the attack. He was ordered to pull out three days before Air-India flight 182 blew up.

In his verdict, Justice Josephson described destruction of evidence as “unacceptable negligence”. Even a transcript was never taken of those tapes.

If one is dealing with the worst mass murder in Canadian history, why would one not preserve every last piece of evidence the authorities were able to uncover or gather in the investigation? Not only did they erase tapes, but members of CSIS broke the law by allegedly swearing false affidavits in order to convince the judge to issue warrants to wiretap telephone conversations. Then they deliberately misled the court into issuing warrants.

American authorities were able to uncover a plot to assassinate Rajiv Gandhi, the prime minister of India at that time. CSIS was tapping the phones and monitoring the activities of Sikh extremists in Canada. In the weeks preceding the Air-India disaster, CSIS agents actually saw the two prime suspects detonating a bomb in the woods outside Duncan, B.C.

Can we believe this? Notwithstanding that information and in spite of the fact that they were actually listening in on telephone conversations, they discontinued the surveillance on those two individuals. Why did they do that? Did they assume that these people were making bombs to be used in acts of terrorism outside Canada? Why did they not take action on the wiretap evidence they had? These interceptions could very well have led the police to foil or prevent this act of terrorism. There are many very disturbing unanswered questions in this tragedy.

The largest terrorist disaster in Canadian history has become an embarrassment for the government and affects our international reputation. The Air-India bombing tragedy was an act of international terrorism. There is evidence to suggest that there was pressure by foreign governments on the Canadian government not to hold a royal commission of inquiry because of the international implications of what happened.

Today Sikhs are celebrating Vaisakhi on Parliament Hill at 6 p.m. in Room 200, West Block. In fact, all MPs, senators and staff are invited. Sikhs are especially eager to get to the bottom of what happened during the Air-India investigation. Since the 1985 bombing, a black cloud has been hanging over the entire Indo Canadian community, but particularly over Sikhs, both in Canada and abroad. We need to bring closure to this case so that the cloud may finally be lifted and we all can move on. Not only will this bring peace of mind, but it will also help restore a Sikh image harmed by the bombing.

Sikhs have prospered in this country, helping to strengthen Canada's social, economic, political and cultural fabric. We have the highest per capita income, education and land holdings among ethnic

communities in North America, according to a U.S. congressional report. Professionally, Sikhs hold numerous prestigious positions. That is the image that should come to mind when people think of Sikhs. We need a public inquiry so the black cloud can be lifted forever.

By not calling an inquiry into this affair, the Liberals are breaking yet another promise. Earlier Liberal MPs John Nunziata, John Turner, Sergio Marchi and Brian Tobin, a long list, made demands for a public inquiry. Former Solicitor General Herb Gray said a royal commission into the 1985 Air-India bombing was still a possibility after the investigation finished.

● (1030)

The Liberal MP for Edmonton—Mill Woods—Beaumont, who also wrote the book *Betrayal: The Spy Canada Abandoned* about the links between a Canadian spy and an Indian plot for a second terrorist bombing, said last week that the government should hold a public inquiry, but that it should be “narrowly focused”, should not be a “lawyer's feast” and must be done in two or three months.

Last week Liberal Senator Mobina Jaffer broke away from the party to urge the government to “do the right thing” and hold a public inquiry into the handling of the Air-India investigation. She said, “the families have suffered for 20 years without justice”.

Herb Dhaliwal, former Liberal MP and senior minister from B.C. under Jean Chrétien, said that the public safety minister's offer to meet with the victims' families to explain how police and intelligence procedures had changed since the bombing was “absolutely not enough”. He joined in the demand for a full public inquiry into the Air-India disaster, charging that it would be a betrayal of years of Liberal promises if the government rebuffed such demands. This is a former Liberal member who said that.

The Liberals will be breaking a promise that dates back to the late 1980s if they fail to call an inquiry. The Liberals had promised repeatedly to hold an inquiry going back to the time when they were in opposition. They should not sidestep that promise now. That is what the member said.

Jean Chrétien campaigned in 1993 to call a public inquiry but broke his promise. There has been no parliamentary inquiry whatsoever into this terrorist act. The worst Canadian terrorist activity did not prompt the government to have anti-terrorist legislation. It was 9/11 that prompted it to introduce anti-terrorism legislation, not the worst disaster in Canadian history.

As a member of Parliament in 1998, I presented a motion for production of papers, P-11, to produce documents related to the bombing. Instead of waiting for 45 days, according to the standing orders of the House, I had to wait for two years. I had to reintroduce my motion. Rather than producing the documents, the government House leader forced me to withdraw my motion in 2000.

### Supply

For years there have been calls for a public inquiry into the Air-India investigation. Those calls only intensified last month with the not guilty verdict. On the very day of the verdict the Minister of Public Safety and Emergency Preparedness and the Deputy Prime Minister issued a resounding “no” to those calls. She instead promised to personally meet with the victims of the families to explain why this could never happen again.

The Deputy Prime Minister speaks in patronizing tones in dismissing the calls for an inquiry. She wants to take victims' families through all that has changed in the last 20 years. What we want is to be taken through an explanation of how the government could botch its case, allowing for only a single conviction after 20 years, with a mere five year sentence. What these families want is justice. What Canadians want is justice.

Have things improved since then? On January 11 of this year lawyers for alleged terrorist Adil Charkaoui moved to have the case against their client dropped after CSIS destroyed notes from two interviews with him. Federal Court Justice Simon Noel admonished the spy agency for destroying the notes and ended up releasing the suspected al-Qaeda terrorist on \$50,000 bail.

The destruction of wire-tap evidence even received the wrath of a U.S. judge during the trial of attempted millennium bomber Ahmed Ressam. U.S. district court judge John Coughenour slammed CSIS and the Canadian government during Ressam's trial stating, “I'm disturbed that the tape recordings don't exist any more. Apparently, that's the Canadian way of doing things”.

• (1035)

In conclusion, the Deputy Prime Minister is cool to the idea of a public inquiry saying that she would have to be convinced that an inquiry could shed new light on the affair. After 20 years and \$130 million, Canadians deserve more than a shrug of the shoulders and a claim things have changed.

There is no justice in what the Liberals are offering. A public inquiry is needed to answer the serious questions raised about the investigation into the Air-India bombing.

We must have a final and clear answer to the issues surrounding this tragedy. While a public inquiry may not answer questions about guilt or provide the necessary evidence to ultimately pursue a successful prosecution, it would provide answers as to what went wrong in the investigation process. It would go—

**The Acting Speaker (Hon. Jean Augustine):** Questions and comments, the hon. member for Toronto—Danforth.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Madam Speaker, first let me congratulate the member for having brought forward this very important motion. I know how intensely personal this issue is for him and for the community that he represents. I am honoured to be able, on behalf of the New Democratic Party of Canada, to second the motion.

We are at the time of Vaisakhi, and it is time that we recognize the enormous and positive contributions of Sikhs in this community. I can testify that individuals in my own riding from the families are feeling this same kind of impact that the hon. member just referenced. My hope is that we will move soon to recognize the

Five Ks of Sikhism in this House as another gesture that we can pursue.

I also want to indicate our sympathy and extend our condolences to the families who have been affected and to the whole community. Indeed many of the families to whom we would want to extend condolences were completely wiped out as a result of this murderous and horrific act.

I have a constituent, Nicola Kelly, whose mother was one of the victims. I had a chance to meet with her and others as did the Leader of the Opposition meet with families.

I simply want to say in brief commentary that it is vitally important that there be a public inquiry. This public inquiry could address key questions. First, why was this not prevented in the first place? Second, why did it take 20 years to bring accused to court? Third, why, how and by whom was crucial evidence destroyed? Fourth, what problems in our justice system exist that prevent us from handling effectively and fairly terrorist cases of such magnitude? Canadians need answers to these questions. Finally, how could we prevent a recurrence?

I would like to invite the member, if he wishes, to comment further on the need for an inquiry, but most simply and important, I wish to indicate that we stand fully behind this resolution.

• (1040)

**Mr. Gurmant Grewal:** Madam Speaker, first, I thank the Leader of the New Democratic Party for seconding the motion and for his support on the motion. He has made some good comments. I agree with what he has stated. Canadians deserve justice. The families of the victims deserve justice.

We need to learn lessons to correct the gross failures of the system. As the House knows, the criminal trial only dealt with the guilt or innocence of the two accused and not of all the suspects. Most of the failures of the system were not even touched. Only a public inquiry can find out the details on the failures of the system and can suggest effective remedies to prevent such incidents from happening again.

Soon the appeals for the civil lawsuits will be over. The excuses given by the government will not be there any more. They will be out of the way, and the government will be free to call a public judicial inquiry.

The loss to the families is irreversible, but such tragedies can recur and must be prevented. A public inquiry will protect innocent Canadians from a recurrence of such heinous terrorist activities. We all know there are so many drawbacks in the system. To reach to the depth, to the bottom of the situation, a public inquiry is a must.



**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Madam Speaker, we all want to express our deepest sympathies for the families of the victims of the Air-India bombing, the single largest terrorist attack in Canadian history. It is a tragedy to the hundreds of families, and we should never forget the suffering they have endured.

The Deputy Prime Minister will be speaking very shortly and I will be speaking later, so I will not get into the main thrust of what I want to say. However, I have a couple of questions for the member.

In the motion he is calling for an independent judicial inquiry. In his remarks he talked about a public inquiry. Could the member elaborate on precisely what he is looking for?

Right now, for example, we have the Justice Gomery inquiry looking into the sponsorship situation. We have Justice O'Connor looking into the Arar situation. Is that the kind of public inquiry he is seeking?

With respect to the O'Connor inquiry, does he see any potential overlap with what Justice O'Connor is doing vis-à-vis looking at the relationship between CSIS and the RCMP and what this proposal would contemplate?

• (1045)

**Mr. Gurmant Grewal:** Madam Speaker, first, I would like to acknowledge and share with members in the House that the enormity of this tragedy cannot be overstated. This is a non-partisan issue. Members from all sides of the House sympathize with the tragedy. However, after 20 years, where are we heading? What did we accomplish? Have we served justice to the families of the victims? Have we learned any lessons?

As I stated, only a judicial inquiry can give us some answers and provide us some lessons that we can learn from the tragedy.

The judicial inquiry is a public inquiry which is headed by a judge and its mandate is focused. That is why I said a judicial inquiry in my motion.

I think the members in this House would agree with me that prevention is the key. Even a common sense approach would have prevented those errors from happening. Now we need to secure our transport industry, our borders and the integrity of our borders. We have to provide Canadians a safe environment in which to live.

In this century, terrorism is going to be a serious threat. We should deal with terrorists, terrorism and terrorist organizations within our borders. We must develop cooperation at the international level to deal with the serious threat of terrorism in this century.

I think the inquiry would be in order. I am sure the Deputy Prime Minister and Minister of Public Safety will stand to speak and will order a public inquiry at her convenience.

[Translation]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, first I want to join the previous speakers in congratulating the hon. member for Newton—North Delta for introducing this motion. In Quebec, we also share the pain of the victims' families and we have questions that require detailed answers. The hon. member is offering a good solution.

### Supply

I also agree with him that this must not be viewed as a partisan issue. After all, members of all the parties in this House have called for a commission of inquiry. The parties that used to be in power were asked to establish a commission of inquiry and both gave the same response: no.

Among all the excellent reasons he presented so eloquently, I notice that he missed one. Is it because he does not feel it is or was significant enough not only in the prevention, but in the investigation that followed? I am talking about the rivalry that seems to exist between the two public bodies in charge of protecting our safety. Their mandates are quite different. The Canadian Security Intelligence Service mandate is not the same as the RCMP mandate, but both mandates were once carried out by a single body.

Does he think we should go back to having a single body in Canada that takes care both of preventing terrorist acts and of prosecuting terrorists who are not stopped in time? Does he think this may have played a role?

• (1050)

[English]

**Mr. Gurmant Grewal:** Madam Speaker, it is a known fact that there was bungling by CSIS, the RCMP and various federal government institutions in the Air-India bombing fiasco.

Despite the fact that the warnings to authorities were given from outside Canada, the terrorist conspiracy was hatched and executed in Canada and still the Canadian system could not prevent that from happening.

What is the guarantee that it will not happen in the future? We need to review the whole security issue in a broader spectrum. I do not know what the solution could be, but certainly there should be cooperation among security agencies, not confrontation.

That is why a public inquiry is important. We need to find a solution and get to the bottom of the investigation.

[Translation]

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Madam Speaker, it is a pleasure for me to speak on the opposition motion before the House today, about a tragedy that took place 20 years ago.

[English]

On June 23, 1985, 329 people perished when Air-India flight 182 went down off the coast of Ireland. Entire families were lost. Children were orphaned. Parents and grieving families were left behind. Two hundred seventy-eight Canadians were on board and lost their lives.

On that day terrorism became a reality for all of us. Long before the events of September 11, 2001 brought terrorism into stark relief for the entire world, we knew evil.

### *Supply*

In the 20 years since Air-India, there have been a number of investigations, inquires and several trials: the Seaborn report, the Security Intelligence Review Committee examination, the Canadian Aviation Safety Board report, the Kirpal commission of inquiry in India, the Cork inquiry in Ireland, the Reyat proceedings, and most recently the Malik and Bagri proceedings. Today's transportation and security systems have been fundamentally transformed as a result. We as a government continue to build on what has been done to date.

I believe that we need to take stock of what we have learned in order to better understand what remains to be learned. Therefore I will seek independent advice from an eminent person who can review all the material related to the Air-India bombing, someone who can meet the families and interview government officials so that he or she can give me independent advice in relation to outstanding questions of public interest which could be answered today, 20 years after this tragic event.

This review can only begin once we have determined whether the province of British Columbia will appeal the decision of Mr. Justice Josephson. If the province proceeds with an appeal, that must take priority and this process must await the result of that appeal.

This process of seeking independent advice will enable us to identify a way forward that can resolve any remaining public interest questions and build on the progress that we have made and the conclusions that have been drawn since June 23, 1985. Before I take any action, I want to meet the families next week as the start of an ongoing dialogue so that we have a good understanding of what questions remain unanswered for them.

I have been struck by the comments from some of the victims' families. They want to be sure that things have changed so that this tragedy is never repeated, so that no one else has to live with the pain and hurt that they carry every day. I share their commitment. I would like to assure the families and the House that things have changed since 1985.

I believe there is no greater responsibility for government than ensuring the safety and security of its citizens. The Government of Canada takes this job very seriously.

As we start this day of important debate, I believe it is important that we begin with the shared understanding of all that has happened since 1985 as we have worked together to create a safer and more secure country.

The investigation into this disaster is the longest and certainly most complex investigation in the history of the Canadian legal system. The RCMP has been investigating this incident for 19 years with the assistance of our law enforcement partners in Europe, India, North America and Asia. In fact, this investigation continues today. The Government of Canada's support of this investigation goes beyond the efforts of the individual departments and law enforcement agencies to get to the bottom of what happened that day and in the time leading up to the tragedy.

For example, in recognition of the difficulty and financial hardship that attending the trial might impose on families of the victims, the Government of Canada paid all of the costs of victims' family services, transcription, court reporting, and judiciary support, as well as courtroom and building security. We also covered half the

costs of legal aid, prosecution management services, communications and media relations, audio visual costs and operating technologies.

• (1055)

That was the right thing to do. In short, the Government of Canada has devoted resources and efforts to bringing to justice those responsible for the deaths of the passengers and crew of flight 182. This includes the RCMP investigation, but also the other investigations and inquiries I mentioned earlier by our government as well as the governments of India and Ireland.

As we can see, the governments around the world have looked into this matter in detail and we have acted on the findings of these studies. We have been working diligently for the last 19 years to ensure with the greatest extent of certainty that is possible that such a disaster does not occur again.

An important step toward greater aviation security involved commissioning the Seaborn report. This document resulted in a number of actions taken by Transport Canada to enhance the security of our aviation system.

Time does not permit me to go into great detail this morning, but foremost among the changes were stringent requirements that forbade the carrying of checked baggage on international flights unless the checked passenger was also on board. This has since been extended to include domestic flights as well.

It is important to note that the actions we undertook put Canada at the forefront of international efforts against terrorist threats. We provided a model of excellence that was adopted by other countries in the International Civil Aviation Organization. Throughout the late 1980s and 1990s, Transport Canada continued to improve aviation security. Of course, the tragic events of September 11, 2001 shone a new light on how we ensure the safety and security of our skies.

The 2001 budget invested \$7.7 billion over five years to help in the fight against terrorism and reinforce public security. It included \$2.2 billion over five years to new aviation security initiatives.

Some of the actions we took included establishing the Canadian Airport Transport Security Authority, CATSA, to provide key air security services, and the installation of advanced explosives detection systems at Canadian airports that will cover 99% of all passengers travelling throughout our country and beyond.

We also placed armed RCMP officers on board selected domestic and international flights and provided \$35 million in funding to help airlines undertake security modifications, like reinforcing cockpit doors.

More recently the government reaffirmed its commitment to aviation security improvements by dedicating an additional \$16 million over five years to develop systems that will screen airline passenger information.

*Supply*

As we can see, the Government of Canada has been actively working over the past 20 years to make our skies safer for airline passengers and crews. But our accomplishments and lessons learned do not stop at aviation security. We have also been working hard to improve our national security in the aftermath of the Air-India disaster, particularly through the RCMP and CSIS.

Immediately following the crash of flight 182, the RCMP moved quickly to create an Air-India disaster task force, a dedicated team that worked out of both Ottawa and Vancouver. The RCMP also undertook a number of organizational realignments that reflected the changing environment that continues to evolve today. This included the establishment of the national security investigation directorate and the national security operations branch in 1988 and the criminal intelligence directorate in 1991.

The Canadian Security Intelligence Service also moved quickly to respond to the Air-India disaster. CSIS enhanced capacity and personnel, and moved away from a focus on the cold war and provided greater attention toward terrorism, including Sikh extremism.

• (1100)

CSIS worked closely with the RCMP to exchange information and move the investigation forward. This close collaboration between the RCMP and CSIS was pointed out in a 1992 report by the arm's length independent security intelligence review committee, which lauded the "immediate and full cooperation" between the two agencies in the aftermath of Air-India. SIRC also highlighted the free exchange of information that took place between the RCMP and CSIS.

A memorandum of understanding was signed in 1987 between the RCMP and CSIS, solidifying this working relationship and clearly delineating their respective roles and responsibilities for Canada's national security agenda.

Since then, the relationship between these two agencies has grown stronger as they work shoulder to shoulder to keep Canada and Canadians safe, a fact that has once again been noted by SIRC in recent reports.

Budget 2001 recognized this vital relationship and committed \$1.6 billion to increase policing and intelligence efforts in fighting terrorism. Through this investment, CSIS has expanded its investigative capacity by hiring more people, as well as upgrading equipment and technology.

The RCMP has also worked with its partners across the security community in the form of integrated national security enforcement teams in major Canadian cities.

Canada continued to build on this work in the late 1980s and through the 1990s as we entered the new millennium and we were once again brought face to face with evil on September 11, 2001. Since then, Canada has implemented further measures to enhance our national security.

First and foremost, we enacted the Anti-terrorism Act and the Public Safety Act, 2002. These two pieces of legislation were designed to improve Canada's capacity to prevent terrorist attacks, protect our citizens and respond quickly to identify threats.

As always, these objectives are pursued while promoting the values we as Canadians hold dear and the rights and freedoms we are guaranteed under the Canadian Charter of Rights and Freedoms.

The Anti-terrorism Act defines terrorist offences and made the financing of terrorism illegal. It also creates offences that criminalize activities, like participating in a terrorist group, actions that take place before a terrorist event can occur. As such, this act is strategic, innovative and, most important, it is preventive.

The measures contained in the Anti-terrorism Act provide the tools the government and law enforcement need to deter, disable, identify, prosecute, convict and punish terrorists.

At the same time, the act protects the expression of political, religious and ideological expression so long as it does not intend to cause harm to Canada, Canadians or our allies around the world.

The Anti-terrorism Act also provides for the listing of terrorist entities, which means, among other things, that financial institutions must report on listed entities' property. Over 400 individuals and organizations are currently listed under these regulations, including Babbar Khalsa and Babbar Khalsa International, entities of a Sikh terrorist organization.

Finally, I cannot discuss enhancements to Canada's national security efforts without mentioning the national security policy that I launched in this House almost one year ago today. The national security policy is an integrated strategy that demonstrates the Government of Canada's leadership and commitment to protecting Canadians. It sets out the government's broad safety and security vision. It articulates our core national security interests, identifies the current threats facing Canadians and provides a blueprint for action to address these threats.

• (1105)

We have learned a lot in the past 20 years and we have acted on what we have learned. The Canada of today is a much different country than the Canada of 1985. We cannot overlook the progress we have made since that tragic day that flight 182 went down, 329 lives were lost forever and innumerable other lives changed forever. We also cannot ignore the longest and most exhaustive criminal investigation in Canada's history that continues to this day and that resulted in the conviction of Inderjit Singh Reyat.

I believe the intentions of the hon. member in putting forth this motion are obviously good but I believe it is premature to call for an inquiry before we speak to the victims' families and hear their specific questions, and before we allow the judicial process to play out, as it must.

Beyond the issue of how we proceed with respect to getting the answers we need, I believe we as Canadians and parliamentarians have another question to consider. As we approach the 20th anniversary of this devastating incident of terrorism, we also must consider what we can do as a government and as a country to commemorate appropriately the innocent men, women and children who lost their lives aboard flight 182.

*Supply*

I am committed to doing the right thing for those who were left behind after this horrible tragedy. I am open to a number of options as to how we move forward to bring closure to this horrible terrorist incident. However I do believe that it would be a disservice to all those who seek justice in this tragedy and, in addition, it would be an affront to the judicial process to support this motion at this time.

Therefore I restate my opposition to the hon. member's motion and I urge my colleagues in the House to join with me in seeking a balanced and measured approach to honouring the victims of Air-India flight 182.

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Madam Speaker, I listened carefully to the Minister of Public Safety and Deputy Prime Minister and her tone has certainly changed from that of March 16 when she said firmly that there would be no public inquiry. I now see that she is dithering, which confirms that the government is inflicted with a dithering problem. In fact, the Liberals have become serial ditherers on that side.

The minister has made two comments on which I would like to comment. She said that she would seek to get independent advice. The government has been in power for 12 years, since 1993. Did it not seek independent advice in 12 years on this issue? The Deputy Prime Minister, who was the justice minister, knows how much delay has been caused and that justice delayed is justice denied.

She said that she needs a better understanding of this issue. What part of this does she not understand? After 20 years, after investing \$150 million, 250 RCMP officers and after listening to 115 witnesses, no justice was received. What further understanding does she need on this issue?

I would also like to point out the latest report from the Auditor General which is so scathing on security issues. Numerous terrorist cells and front organizations continue to remain in Canada according to the CSIS boss. A few years even the current Prime Minister attended a fundraising dinner for the Tamil Tigers, a terrorist organization or a front for a terrorist organization.

All the changes the minister has indicated are simply window dressing.

In January of this year, not back in 1985, lawyers for the alleged terrorist Adil Charakaoui moved to have the case against their client dropped after CSIS destroyed notes from two interviews with him. Federal Court Justice Simon Noel admonished the spy agency for destroying the notes and released the suspected al-Qaeda terrorist on \$50,000 bail simply because the changes made were not effective.

The destruction of wiretap evidence even received the wrath of a U.S. judge during the trial of attempted millennium bomber Ahmed Ressay. The U.S. district court judge slammed CSIS and the Canadian government during Ressay's trial, stating:

I'm disturbed that the tape recordings don't exist anymore.... Apparently, that's the Canadian way of doing things

That is a shame.

When the minister says that she needs independent advice and a better understanding of the situation, how much of a timeframe is she talking about, one week, two weeks? What timeframe does she have in mind, because it is already too late?

● (1110)

**Hon. Anne McLellan:** Madam Speaker, let me say by way of preface that everybody on this side of the House came here this morning to engage in a non-partisan debate on a very important motion. This is not a partisan issue. I have to put on the record my deep concern in relation to some of the things that I have heard, both from the hon. member who just spoke and from those around him, in terms of the overt politicization of an issue on which we should all be working together.

As the hon. member himself recited some of the things that have happened over the past 20 years, we need to come together, working with the families, which is why I am seeking independent advice from an eminent person. We need to come together to determine what questions that are in the public interest remain unanswered and how we can find answers for those questions today, 20 years after this tragic event.

I do however want to reiterate that much has changed in the past 20 years. I would hope the hon. member does not deny that not only here in this country but around the world, in the United States of America, the United Kingdom, Italy, India, Australia and France, we have learned so much more over the past 20 years about the evil of terrorism and the mechanisms used by those who would commit this evil. We have put in place in this country the things that I have outlined, only some of the detail in terms of what we have learned.

One of the great tragedies coming out of this horrible event would be that the lives of innocent people were lost and the lives of the families of the victims were changed forever. However an additional tragedy would have been if we had not learned from what happened, either the previous government of the right hon. Brian Mulroney or this government, and had stood idly by and not made changes to the way in which we deal with the evil of terrorism and the threat of both domestic and global terrorist activity.

I do believe we have learned and we will continue to learn. In partnership with our allies, we will continue to do that which we believe is necessary to protect Canadians and honest, hard-working, justice-loving people around the world.

● (1115)

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Madam Speaker, I must say that I share the minister's opinion; it is time to find an appropriate way to commemorate this sad event and honour the victims. However, frankly, does the minister not believe that the best way to do this would be to find the answers to their many questions, and as soon as possible?

For example, could this tragedy have been avoided? Did shortcomings in the investigation prevent the real guilty parties from being punished? In my opinion, the answer to these questions is a priority for the victims' families.

[*English*]

**Hon. Anne McLellan:** Madam Speaker, answers are indeed what everyone wants to see. In fact, there have been some answers provided over the past 20 years.

As I outlined in my remarks, there has been a great deal of process, a great many investigations, reviews and inquiries of one kind or another including a SIRC examination of this matter which issued a very detailed report in relation to some of the questions that have been raised. These questions were raised, quite rightly, by families and others in relation to policies surrounding CSIS, the relationship and the interrelationship between CSIS and the RCMP at that time.

Therefore, over these past 20 years there have been many things that have happened, many reviews and investigations. There have been some answers provided. Perhaps for all of us, and I include myself, some of those answers are hard to accept.

What is important now, as we move forward, is that we identify the remaining questions that are in the public interest and that are capable of answers 20 years later, after the process that has already occurred including the longest criminal investigation and trial in Canadian history and a judgment in which Mr. Justice Josephson in great detail outlined much of the factual context of this terrible tragedy.

At this point we must identify the questions that remain unanswered which speak to the public good. We also need to focus on how we get those answers in a way that potentially can bring closure to the victims' families and to others who have an interest in bringing closure to this horrible event.

That is why today I have announced that I will be asking an eminent person to provide me with that independent advice after meeting with the families. I will do that as well because I want to hear directly from the families.

This eminent person who will be independent of myself, my department and the government will meet with the families, government officials, any other interested parties and stakeholders. The task of this person will be to identify for me and the public, everyone, the questions that in his or her opinion remain unanswered that are in the public good. That individual can also speak to the way forward in terms of helping ensure that we find a mechanism by which we find answers to those questions.

• (1120)

**Mr. Gurmant Grewal:** Madam Speaker, I rise on a point of order. Since this is a very important issue, and as the minister said that it is a non-partisan issue, we have some serious questions to ask the Minister of Public Safety. I ask for unanimous consent to extend the question and comment period for another 10 minutes.

**The Acting Speaker (Hon. Jean Augustine):** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Madam Speaker, I examined this file with some emotion. I also heard the remarks and all the pain expressed so eloquently by the member for Newton—North Delta. I fully understand this pain and I assure him that I share it, as does everyone in Quebec who has heard about this tragedy.

### *Supply*

We owe it to the victims to learn the truth and that is reason enough for there to be an inquiry. It will provide them with the answers they have been waiting for. There was a long legal process, a long investigation and the results are still, understandably, very painful for all concerned.

I will not repeat these reasons. I think they were expressed adequately and very eloquently by the member for Newton—North Delta. I do believe, however, that there are also numerous other reasons, one in particular being to ensure that this tragedy is not repeated.

We study history in order to learn from the past. If there is any area in which it is important to learn from our past, it is terrorism and all the attacks that have occurred in other countries.

I will begin with the briefest possible summary of the tragic events, which clearly demonstrate that the process which has just come to the end of one important stage, trial by jury, must be pursued further.

On June 23, 1985, an Air-India Boeing 747 exploded over the Atlantic. Everyone on board lost their lives. Of the 329 victims, 278 were Canadians. An immediate link was made to Sikh extremists who were opposed to the Indian government. After an investigation lasting 18 years, with a thousand ups and downs, three accused persons were brought before the courts. In March, however, they were finally found not guilty, for lack of hard evidence.

Since that time, there have been numerous allegations that CSIS, the Canadian Security Intelligence Service, had botched the investigation, if not actually tried to cover it up intentionally. This is the largest mass murder in the history of Canada and a real ordeal for all the victims' family members who have recently seen two accused men acquitted for lack of evidence.

A year after the tragedy, although the investigators had reconstructed the chronology of the event, they had laid no charges. There were leads to Sikh extremists, who were placed under surveillance. Sikh militants Parmar and Reyat were arrested by the RCMP for conspiracy, and possession and manufacture of explosives, but they could not be linked to the Air-India attack. They got off with just a fine.

Parmar is known to the intelligence services of several countries. This Canadian citizen, a resident of the Vancouver area, has openly expressed the opinion that Sikhs must unite in battle, and must kill to avenge the storming of the Golden Temple. This is, of course, an opinion shared by very few Sikhs, who are known as a peace-loving people. Having been to India and having some knowledge of the Sikh religion, I know it to be a religion like Christianity characterized by love of others, forgiveness and understanding.

Three weeks before this attack, Air-India had already warned Canadian law enforcement authorities about threats of sabotage it had received. CSIS took these threats very seriously. It gathered video-taped evidence of several conversations during the month of June between Parmar and two other suspects, Bagri and Malak, against whom charges were laid 15 years later.

### Supply

On March 5, 1985, CSIS put a wiretap on Parmar. On June 4, 1985, CSIS surprised him and another key suspect, Inderjit Singh Reyat, in the process of testing explosives on Vancouver Island, but they thought the two had been testing firearms.

● (1125)

On June 21, 1985, in the course of its surveillance work, CSIS intercepted a call between Parmar and Gill. During the conversation, Parmar asked Gill if he had delivered the papers and clothing to the same place. The latter said he had. The investigators interpreted these words as codes. According to them, "papers" referred to the plane tickets, and "clothing" to the suitcase bombs. In the meantime, Gill left Canada for England. He was never charged.

On June 22, 1985, an East Indian Canadian went up to the Canadian Airlines counter at the Vancouver airport and insisted his bags be ticketed through to India. The clerk, Jeanne Bakemans, initially refused, because the man's seat for his second flight could not be confirmed. After lengthy discussions, she finally took the bags, which contained the bomb that went off at Narita.

Two and a half years after the bombing of flight 182, the victims' families expressed frustration at the amount of time the investigation was taking: no arrest was made in connection with the incident.

On September 14, 1987, the Liberal opposition member, John Nunziata, reported that CSIS had known an attack on an Air India plane was being organized. His remarks created a real storm here in the House.

A week later, the RCMP was accused of being told of the attempt before it occurred. An informer, Paul Bessault, reported giving a tape recording to the RCMP indicating that an attack on an Air India flight was imminent.

In December 1987, the English network of the CBC revealed that CSIS had erased 300 tapes containing information on the bombing of flight 182. The conversations between the prime suspects, including Talwinder Singh Parmar, could have been used in evidence in the RCMP's investigation. Some, like Svend Robinson, believed that the tapes were erased because they contained information that would compromise the RCMP.

On October 15, 1992, Talwinder Singh Parmar was killed in a shootout with Indian police, when he returned to his country. Solicitor General James Kelleher rejected opposition calls for a royal commission into the catastrophe. He insisted that the RCMP had never been informed of the attack.

By the end of April 1995, 10 years after the tragedy, the RCMP investigation still had not solved the case. In an effort to get new evidence and new testimony, the police force offered \$1 million to anyone who could provide information leading to an arrest.

The RCMP did identify six major suspects in the Vancouver area. However, it had difficulty gathering evidence and testimony that could help it lay charges in a criminal court. The investigation did, however, reveal who brought the suitcase bombs to the airport, who made the bomb, and who supervised the entire operation. Nonetheless, the RCMP still does not know the identity of the two men who checked the luggage or how they were recruited or paid, but it has a good idea of who it might be.

At Canada's request, Inderjit Singh Reyat was arrested in February 1988, in England, where he had moved in 1986. He was charged with making the bomb that exploded at the Narita airport in Japan. He was extradited to Canada after a lengthy legal battle. Found guilty in 1991, he served 10 years in prison. Shortly before he was to be released, he was suspected of building the other bomb. That is when he was given an additional five-year sentence after pleading guilty to manslaughter. The judge said he was convinced that the accused did not know the bomb he made would be used.

After 15 years of investigation and more than \$26 million, the RCMP ended up laying charges against two individuals of Sikh origin. On October 27, 2000, Bagri and Malik were arrested and charged with first degree murder and conspiracy in the explosion of flights 182 and 301.

The trial of Bagri and Malik began on April 28, 2003.

● (1130)

During the trial, the RCMP entered thousands of pages into evidence. In its submission to the judge, the RCMP stated that CSIS, which had wiretapped members of Sikh extremist groups prior to the bombing, had an informant who knew the plane was going to be blown up. Three days before the flight, CSIS apparently asked the informant not to board Air India 182.

On Wednesday, March 16, 2005, Justice Josephson of the Supreme Court of British Columbia acquitted Malik and Bagri. The two men were accused of premeditated murder, attempted murder and conspiracy to commit murder following the bombing of Air India's Boeing 747.

The trial lasted 19 months, heard from 115 witnesses and is estimated to have cost \$130 million. However, it is not over yet.

A justice of the B.C. Supreme Court criticized CSIS for having destroyed tapes and transcripts of conversations, with a source linked to the bombing, which could have had a drastic impact on the trial. In fact, we still do not know for sure why these tapes were destroyed. Some claim it was a standard procedure, but there is also information to suggest that it was due to rivalry between CSIS and the RCMP.

I believe that a parallel inquiry is essential for a number of reasons. First, there must be answers, once and for all, to all the questions surrounding the largest terrorist attack involving Canada, and second largest in North America after the events of September 11, 2001.

The Liberal Party has, on numerous occasions, promised Canadians that it will hold a public inquiry to find out what led to the Air India bombing. It is time it kept this promise. I fail to understand why it has not, despite the fact that, when the Liberals were in the opposition, they called for such an inquiry. The reasons they give are surprising.

We are currently witnessing a public inquiry involving individuals accused of much less serious offences than this, and their trial has just been set for this June. What is preventing us from repeating this same transparent process, which could provide real answers and assess the evidence, so we can learn the truth about the important issues I will identify in my conclusion?

Twenty years after the tragedy, the families are still waiting for answers. They did get some answers, but not on the extremely important issues. Did the rivalry between the RCMP and CSIS hinder the investigation? Did this kind of rivalry interfere with preventing the attack? What does this bode for the future? Out of respect for the 329 afflicted families, we have to get to the bottom of this. I think that the names of those who are known, even though they may not have been convicted, should be released, as the commission looking into an issue that is no doubt serious, but nothing like 329 dead, has done.

An independent inquiry would prevent such injustice from happening again and would somewhat alleviate the pain and suffering of the families of the victims of the Air India tragedy, who are feeling that the Canadian judicial system has let them down.

Light must absolutely be shed on what the court has described as "unacceptable negligence" in relation to the destruction of evidence by the security intelligence service.

It is absolutely vital that we have an open and transparent process to find out what happened when an Air India airplane crashed. The families have the right to know. The communities have the right to know.

This inquiry was requested by representatives of the Conservative Party. In the past, it was also requested by representatives of the Liberal Party.

On March 21, 2005, former Liberal minister Herb Dhaliwal suggested that the federal Liberals were breaking an oft made promise by refusing to call an inquiry into the terrorist attack against an Air India airplane.

On May 17, 1995, the Liberals put forward a motion calling on the government to initiate a royal commission of inquiry into the Air India disaster of June 23, 1985, which claimed the lives of 329 people.

• (1135)

The motion was eventually struck from the order paper because time was up and there was no unanimous consent to continue.

The NDP supports this motion. The Bloc Québécois does also. So what are we waiting for? It is very important, not only for the families, who are entitled to explanations, but also for the Sikh community, which is also entitled to explanations. There is no doubt whatsoever that involving a justice of a higher court, with its acknowledged impartiality, would result in people being aware of the difference between these few terrorists and the Sikh community as a whole, and would make that community better known in Quebec.

I can still remember the coroner's inquest into the killing of Corporal Marcel Lemay by Indians. Right at the start, the coroner set out the legitimate claims of the Indians and what had led to the crisis.

### *Supply*

I am certain that an inquiry will never restore the great and honourable reputation of Canada's Sikh community in the eyes of the Canadian public. But there is more to it than that. We are living in a world where terrorism is the main danger.

When I was growing up, the main fear was the atom bomb. Thank God, we avoided that, and now the main threat is terrorist attack. Attacks in defence of the cause of one country can end up impacting on another, as we have seen recently in Spain. So terrorism is an international threat.

The bodies best equipped to protect us from terrorism are the intelligence organizations. There was a time, I know, when these functions were given to the RCMP, which had the double mandate of preventing hostile or terrorist attacks by other nations and of prosecuting the guilty parties when such acts had been committed.

The MacDonald commission determined that these two functions were so different that they needed to be separated. It is clear, however, that both these activities involve policing methods that overlap.

I think it is time to take a look and see whether the split was a good thing. It is true that security agencies, like many organizations making use of secret information, have the unfortunate habit of guarding their secrets jealously. Remarkable progress can be made in investigations, however, when these bodies decide to pool their information. It has to remain secret, of course, to ensure successful infiltration.

We proved this point in Quebec in our fight against biker gangs. Once the Sûreté du Québec, the Montreal police and the RCMP had been convinced to work together, we made progress and managed to break the threat to public security posed by the Hells Angels.

I can see the United States is doing the same thing at the moment with the creation of the new homeland secretariat

This is one of the questions that the commission of inquiry must examine. I repeat, I fully agree that this matter must not be partisan. Representatives of all parties in this House have called for an inquiry.

The reasons the minister gave recently are unsatisfactory, particularly since there is a commission of inquiry, the Gomery commission, and people have been charged. Furthermore, how long are we going to wait? We have already waited 20 years. I think it is time for us and the victims to have answers, since we are facing similar dangers and have to know what went wrong so we can move forward and avoid other terrorist attacks.

• (1140)

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Madam Speaker, I thank the hon. member for Marc-Aurèle-Fortin for presenting a good summary of the tragedy that occurred on June 23, 1985 and of the subsequent events.

*Supply*

Through his exceptional experience as justice minister in Quebec, the hon. member understands Canadian law and the legal system very well. He also understands that the Attorney General of British Columbia was asked to rule on whether to appeal the verdict or not and still has not announced his decision. The Crown has three days to appeal a ruling.

The motion introduced today by the Conservative Party calls for an independent judicial inquiry.

I ask the hon. member for Marc-Aurèle-Fortin then, how can we hold an inquiry before the Attorney General of British Columbia hands down his decision?

**Mr. Serge Ménard:** Madam Speaker, I think I have already answered that question. It would be for the same reasons that the Liberals used to create the Gomery commission, knowing as they did that the individuals were facing charges.

In my opinion, common law, with its rules dictating the precautions that must be taken to ensure the courts can render impartial decisions without undue influence, is much more flexible than civil law, which seeks to set out specific rules in clear regulations.

I have always preferred the rule of common law, because it is flexible: it depends on the circumstances. It means that the courts can render their decision without undue outside influences. That is what the member is referring to, I believe: the member is afraid that a commission of inquiry might have an undue influence on the decision of the courts.

However, people say that the higher the court, the less susceptible it is to outside influences. That is why judges are appointed for life or until retirement during good behaviour. Also, judges are taught to base their determination solely on admissible evidence, something that jurors are not trained to do. That is why it is best to protect the independence of jurors by not making certain things public.

This rule has evolved over time. I know, for example, that, with regard to the October crisis, the coroner's inquest was held up until after the trial of one of the accused.

However, the rules have changed, and there is clear evidence of this: charges were laid in connection with the sponsorship scandal, then the Liberals created a commission of inquiry into that scandal.

As a criminal lawyer, I have defended some highly publicized cases, such as the one involving Officer Gosset, who had the misfortune of accidentally killing—so I believe and two juries believed—a black man on November 11, 1987. This was one of the most highly publicized cases I have ever defended. The case was tried before two juries in Montreal, and I am convinced that they were able to set aside the information they had heard.

I do not, therefore, see how the Attorney General of British Columbia could be influenced either way by the creation of a commission of inquiry. I am absolutely certain that the British Columbia appeal court would not be influenced, and I am even more certain that, if it goes to the Supreme Court, there will be no influence whatsoever. If, after these long legal debates, it were to end up before another jury, that jury would be as intelligent as any other Canadian jury that has had to reach a verdict on a very high profile

case. At any rate, as time passes, any verdict would be based solely on the evidence presented.

● (1145)

[English]

**Mr. John Duncan (Vancouver Island North, CPC):** Madam Speaker, I want to compliment the member for Marc-Aurèle-Fortin on his presentation.

With respect to what the B.C. government and the attorney general of the province might do in this case, I wonder if the member is aware, and this has been revealed by the British Columbia attorney general, that when Martin Cauchon was the federal justice minister, he put pressure and tied funding for the Air-India bombing disaster to the immigrant settlement provisions, the funding formula for British Columbia which was very unfavourable to British Columbia. He basically threatened that if B.C. did not accept that funding formula, the federal contribution toward the cost of the Air-India case would be cut. Certainly without federal cooperation this would create quite a problem for the province. There are ways to influence things and there was an obvious attempt to do that.

I wonder how much awareness the member would have had with his strong background in that area.

[Translation]

**Mr. Serge Ménard:** Madam Speaker, the hon. member has just told me something I have trouble believing. I would never have believed there could be such influence. It is not because Mr. Cauchon was a member of another party that I could believe such a thing. On the contrary, with what I know of him and his reputation, it would seem to me that he would not have done such a thing. I cannot, therefore, readily comment on this. Obviously, however, if such a thing had been done, I would find it absolutely scandalous.

Personally, as I have already said, I think the approach to this discussion has to be non-partisan. I believe that a number of those involved did what they felt they had to do. I would, however, like to see a judge look at the rivalry between CSIS and the RCMP at that time, to give us some idea about and in particular to indicate to us whether such things could happen again and do harm to an inquiry.

As for the allegations made by the hon. member, this is the first time I have heard such a thing. I knew Mr. Cauchon very well, so I would be extremely surprised if he had done such a thing. If he had, I would certainly feel less than the great esteem I have for him at the moment.

● (1150)

[English]

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Madam Speaker, right now for example, the Justice Gomery inquiry is going on. Partial testimony has been raised here on the floor of the House of Commons. People who are subject to criminal charges are appearing in front of Justice Gomery's inquiry. There have been media blackouts which have evidenced themselves on websites in the United States and then media blackouts have been dropped.



Surely we have learned from the Gomery inquiry that it is very difficult, very challenging to have a criminal prosecution proceeding at the same time as a public inquiry. I wonder if the member would comment on that.

[*Translation*]

**Mr. Serge Ménard:** Madam Speaker, I cannot seriously believe that, in light of the Gomery commission, these are your fears about what will happen in connection with the search for the answers everyone has been waiting for, including the Liberals, when they were in opposition. It is not an issue all that different from what has been going on currently in the House.

I am, however, absolutely certain that times are changing. Canada's level of education has risen considerably. It will be possible to find juries, well instructed by judges, capable of making decisions.

In any case, we are perhaps at the start of an appeal process. It could well be a long one, so that, if another trial is ordered, it will probably be held long after the findings of the commission of inquiry. This would not be the first time, either, that a person was put on trial following a commission of inquiry.

I myself think today, as most of the jurisprudence demonstrates, that the best jury is not the least informed. The best jury is an informed one, which gets tonnes of information in the press it has not got the time to verify and, while it sits in court and hears testimony, it is in the best position to decide on the evidence. It is perfectly capable of differentiating between prejudices it might have acquired from scanning the papers and evidence to which it gives careful attention during the trial. Generally speaking as well, it follows the judge's instructions carefully and honours its promise to judge only on the evidence.

The idea that legal proceedings are currently holding up a commission of inquiry—one which you appear to consider useful—strikes me as totally illusory. That is why I do not understand your resistance today.

We, and Public Safety and Emergency Preparedness Canada especially, have everything to gain by bringing the rivalry between CSIS and the RCMP to light and finding out who is involved in infiltration and a lot of other things.

[*English*]

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Madam Speaker, I rise today on behalf of my party to indicate that the New Democrats are quite strongly in support of the motion brought forward by the Conservatives which calls on the government to put in place a public judicial inquiry into the Air-India crash.

It is quite important for us to put in context the situation the country is in at this point to address this tragedy, which is not a strong enough term, which occurred so long ago. Here we are 20 years later addressing the issue of the inquiry.

In terms of the context, 331 people were killed. It is by far the single largest mass murder in Canada's history. We can also set it in context in terms of the magnitude of the severity of the incident and also why we should have an inquiry by comparing it to similar types of mass murders faced by some of our allies.

### *Supply*

When we compare this incident to the 9/11 incidents in the United States on the basis of proportion of the population, the number of people murdered in this incident is actually greater. If we compare it to the Bali bombing that affected our Australian allies so significantly as Australian citizens were the primary targets, again the number of deaths in the Air-India crash on a proportional basis is higher.

In both of those other cases very extensive investigations were conducted, authorized and directed by the legislatures in the United States and Australia. How the inquiries and investigations were conducted, the individuals conducting them, the mandates they were given, how they were funded and over what period of time they ran set very clear precedents as to what we should be doing and what we should have done a long time ago.

The families of the victims have made a number of proposals as to how the inquiry should be conducted.

I would like to digress for a minute. I know it is not appropriate for me to acknowledge persons in the gallery, but you can, Madam Speaker. I invite you or any other person who may be in the chair throughout the day to acknowledge the presence in the gallery of family members of the victims of the Air-India crash. I would ask the Chair to consider doing that at some point throughout the day.

What the victims' families have done, and certainly we know they have had plenty of time to do it, is they have come forward with a number of proposals as to how the inquiry would be mandated and what its responsibility would be.

• (1155)

The Deputy Prime Minister, and she said it again today, has indicated a willingness to meet with the families. We all know generally that has not been greeted by much enthusiasm by the families. They clearly see the situation as one where a meeting to discuss issues is away out of date. They want action. They want to see that the government is serious, that some meaningful attempt at giving them justice will be pursued. A simple meeting sounds almost patronizing in some respects. To meet with them will not be sufficient. I think they have made that very clear.

If the minister needs to know the issues they want addressed, they have prepared a detailed document and have set out a number of the points that need to be addressed in the inquiry. I will come back to that in a bit.

I want to go back now to set the scene a bit more. The incident took place over 20 years ago. It is the worst mass murder in our country ever. There have been repeated calls for the public judicial inquiry. It is interesting because those calls were made initially to a Conservative government by some of the members of the current Liberal government. When fortunes changed and the Liberals became government, it seems they forgot about their insistence on the inquiry and the importance of having it. However, it has gone on and in that period of time, it seems at every turn there has been more indication of a need for the inquiry.

### *Supply*

Some of the evidence that came out in the course of the criminal trial over the last 12 to 15 months has raised serious doubts about the quality of the work that was done by our intelligence and police services. It raises serious doubts about whether there were other agendas that were being followed as opposed to looking directly at getting justice. The list is quite lengthy. There is a cry from the family and from the community generally to know what really happened.

One comment in one of the statements that the families put in writing was interesting. They are very clear. They know nothing we can do will in any way reduce the pain they have suffered from the loss of their families. It will not bring any of their family members back, and they have said that. To their great credit, they have pursued the need for the public inquiry to assure them and the country that we do everything in our power to ensure that other families never go through the type of pain and sorrow they have. They set that out very clearly and quite eloquently. It is a cry to which we must respond.

With regard to the mandate of the public inquiry, I believe it is important because it is necessary to respond to the concerns that have been raised. The very first concern that comes to mind is: Was everything done that possibly could have been done to gather the necessary evidence to obtain a conviction?

● (1200)

That question I think inevitably asks the second one which is: Why did it take so long to get to the point where we finally laid charges? It was roughly 17 years into the process before the charges were laid. Why would it have taken so long? That is an obvious question that the inquiry should have put to it, and hopefully we would obtain an answer that would satisfy the families.

Given the results up to this point in terms of the acquittal, there are obvious questions about how money was spent. That has to be part of the inquiry.

I also would pose the question and press this as a mandate on the inquiry, for it to assess the risk that we face as a country of an incident like this ever occurring again. That will require a number of sub-questions for the inquiry to be asked. It goes without saying that in the general public's mind the quality of the work by both CSIS and the RCMP has to be assessed. For instance, did we have proper training for the individual police officers and agents who were involved in the investigation? Did they have the proper methodologies in conducting the investigation? That has to be assessed.

We can go into some specifics such as the destruction of notes. That evidence came out in the course of the trial. Is there a policy within those agencies as to how evidence is supposed to be handled, including handwritten notes? There was destruction of other evidence, some tapes in particular. Is there policy now as to how that is to be handled?

One thing that came out in both the 9/11 report and the Bali bombing report, and which has come out in a number of other jurisdictions, is the whole problem of conflict between agencies that impedes effective law enforcement. Was that a problem here? There is certainly some evidence that came out in the course of the trial that would suggest it was. We need to assess that. It would have to be part of the mandate of the public inquiry.

One has to question whether the security at our airports is adequate. The Deputy Prime Minister has said repeatedly that this has been taken care of. From the input we get from the families, they are not convinced of this and at the very least they want reassurance, and they are entitled to that.

We heard that there has been a bit of an investigation by SIRC. A part of the mandate of the public inquiry will be to assess SIRC and how it conducted the investigation which basically cleared CSIS. That was done before the criminal trial. In the course of that trial, one had to ask if one knew anything about intelligence. How could it have cleared it when that kind of evidence was coming out, whether it was the tapes, the notes or the conflict between the RCMP and CSIS?

● (1205)

In that regard as recently as Monday the Deputy Prime Minister announced that the government finally would be moving forward on parliamentary oversight of our intelligence services.

Having been involved in the preparation of that report, I know full well of the historical conflict between CSIS and the RCMP, the lack of oversight, not only between those agencies, but among all our intelligence agencies. I know about the limited mandates some of the governmental agencies have to do oversight. I believe that is the problem we will find with SIRC.

SIRC did an assessment of the role that CSIS played. However, due to its limited mandate in reviewing and accessing to information, it came its conclusions. My belief is they are not the proper conclusions and that needs to be looked at.

I expect that the whole issue of meaningful parliamentary oversight of our intelligence services would also be one of the items the public inquiry would investigate. A good deal of that work has been done. It would be helpful, in this specific circumstance, for an analysis of whether proper oversight was in place.

One other issue the families have asked about is the question of whether the plea bargain with regard to Mr. Reyat and his sentencing process were adequate. That needs to be addressed.

I think I have so far listed somewhat in excess of 10 specific issues that the public inquiry would be mandated properly so to cover. In concluding this part of my comments, it is also important to recognize that we will have to give it a broad enough scope that if issues arise which have not even been identified up to this point, it would have to be able to investigate.

We have heard the comment from the government as to whether this motion is premature. The Conservative government of Prime Minister Mulroney, the Liberals under Mr. Chrétien and now the current Prime Minister have had repeated requests to conduct an inquiry.

When we put this in the context of other inquiries, such as Westray or Walkerton water inquiry, in terms of magnitude, this one, in any kind of logical argument, requires an inquiry.

*Supply*

The fact that the criminal case may be appealed, a decision which has not been made yet, does not put us in any different position than where we have been for quite a number of years. It is obvious that there should be an inquiry. If ultimately the crown makes the determination it will appeal, it does not have to enter into the consideration as to whether we go ahead with the inquiry now. We should have done this a long time ago.

My final point is in terms of favouring the reason for an inquiry. There have been repeated accusations and calls for the inquiry. It has come out of the Indo-Canadian community and the Sikh community, that if this had happened to another segment of the community, we would have had an inquiry.

● (1210)

The current Minister of Health of this government has made statements to that effect in the last few years, as he comes out of that community. It is another reason we should have the inquiry. Whether that has any validity or not, the very fact that it is out there in the community should be put to rest once and for all. We should conduct this inquiry.

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, as far as the families of the victims are concerned, it is my understanding that the minister will be meeting with a large number of the family representatives next week. The purpose of that meeting will be to identify what issues the families feel are still outstanding and how realistically those issues could be dealt with and answers brought forward.

The other thing I need to respond to immediately is the notion that if it happened to another group, there would be a differential response by the Government of Canada. I reject that out of hand completely. I know that our government rejects that out of hand completely. This has nothing to do with race, politics or anything of that nature.

On a personal note, in my riding of Etobicoke North I am blessed with a very large Indo-Canadian population. I have a very strong relationship them. To even suggest that it might be the case that because it is a group of Indo-Canadians who are affected as opposed to another group of Canadians is preposterous. The government I know rejects that type of thinking right out of hand.

I come back to a couple of issues that I am seized with. If there is an inquiry, what additional information will we be able to glean from that? That is partly the purpose of the meeting with the families. As the Deputy Prime Minister outlined, there is a large amount of work that has been done on this case, admittedly with some inconclusive answers which are troubling to all of us, especially the families of those who died in this terrible tragedy.

I am not going to reread the list of events that have taken place since the tragedy. However, it has been hugely thorough. In fact, it is the longest and most complex trial in Canadian history. There was the civil lawsuit which was settled, the security and intelligence committee review, the Canadian Aviation Safety Board investigation, and the investigations conducted in Ireland and India.

I guess I have a question for the member. What new information would be gleaned by an inquiry at this time?

● (1215)

**Mr. Joe Comartin:** Mr. Speaker, it was the former Premier of British Columbia, the current Minister of Health, who said on June 4, 2003, that the Air-India crisis was treated in a casual manner because it involved people from the South Asian community. I am not making that up. That was in the public domain at that point. It was in the community in particular and it is still there. Whether the government wants to recognize it or not, that feeling is there. It is a very strong reason why we should be looking definitively at an inquiry.

To answer the second part of the member's question and comment, as to what would I expect to come out of this? I will just use SIRC as an example. It is quite clear to me, as a lawyer, when I see the report that we received from SIRC, and I see both the evidence and the comments from the judge in the criminal trial, that SIRC failed us. That is one area. The question that I would ask and I would expect to get an answer during the course of the inquiry: how did it happen and what was SIRC's problem?

I have indicated already that I think the problem with SIRC was that its mandate was too limited. Whether the resolution of that is to expand its mandate or to set in place the parliamentary oversight committee, I would lean toward the latter, but that is one of the points that I would see coming out.

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, I want to make an observation based on what I heard earlier this morning from the Minister of Public Safety. She spent a lot of time talking about what we have learned from this and she kept referring to the anti-terrorism bill.

The anti-terrorism bill was passed in 2002 in response to the tragedy that had happened on September 11 in the United States. It was largely modelled on the Great Britain anti-terrorism legislation that had come into place much earlier to deal with terrorism from the IRA in Great Britain. After 17 years, 1985 to 2002, we finally get some measures put in place to deal with terrorism. My point of view on this is that we did not really learn a whole lot during the 17 years on terrorism.

I know the member for Windsor—Tecumseh is very well thought of in the legal community and I think he could shed some light on the public inquiry. I am a lawyer. I have heard these questions and I do not have a clue what the answers are. I would like to know what the answers are. Canadians would like to know and certainly the families of the victims would like to know what the answers to those questions are. We are totally in the dark on this.

This matter cries out for an inquiry. We should find what went wrong. The justice system and the whole system has let many people down and we failed to address it. The minister said that if we hold a public inquiry, this will be very damaging to the justice system. I am scratching my head. I have not seen a lot of justice come out of this situation and there are many questions that have not been answered.

I wonder if the member for Windsor—Tecumseh, with his legal background, could possibly explain what great damage a public inquiry would do to the justice system.

*Supply*

• (1220)

**Mr. Joe Comartin:** Mr. Speaker, I wish to comment on the member's statement that somehow the anti-terrorism bill came out of the Air-India crash. His point is obviously well taken over the length of time, but anyone who has been involved in the process, and I am currently involved in the review of it, I can assure the House that if it had not been for 9/11, we would not have an anti-terrorism bill today. The Air-India crash did not provoke that legislation from this government whatsoever.

With regard to the main question, a survey has been done on the impact that the decision has had on the community. It was done in British Columbia. It showed that, as a result of the outcome, 61% of the population surveyed felt a loss of confidence in the justice system. So to suggest that the justice system has performed well in these circumstances and that the community generally was satisfied with it, and that somehow by having the inquiry we would damage it, that damage has already occurred.

It seems to me that one of the principal aims and goals of the inquiry would be to say to the families that here is how the system worked, it failed in these regards, if those determinations were made, we have put in place remedies for all of those and the families should feel reassured and confident that it will not happen again. This would build up both the credibility in the system and confidence that the problems that occurred surrounding the Air-India crash would never occur again. It will build up confidence in the system. It will rehabilitate the criminal justice system rather than damage it.

**Mr. Jim Prentice (Calgary Centre-North, CPC):** Mr. Speaker, I would like to compliment the member for Newton—North Delta. He is an outstanding advocate on behalf of both his constituents and members of the Indo-Canadian community. This matter is before the House because of the leadership he has taken. He is a respected member of this House and I am proud to call him my colleague.

The motion put forward by my friend from Newton—North Delta follows upon a well known adage of Mr. Justice Brandeis, one of the western world's most respected jurists. It, stated simply, was this: "Sunlight is the best disinfectant". Our leader, Stephen Harper, has repeatedly called for a government probe into the Air-India disaster. He has called in effect for the exposure of the truth. Sunlight and sunlight alone will cleanse this miscarriage of justice.

All Canadians want to know what happened. They want to know what happened in public and they want to know what happened through an inquiry. I am pleased to see that the Deputy Prime Minister is taking the lead of our leader, Stephen Harper, and will be meeting with the victims' families.

• (1225)

**The Deputy Speaker:** I would encourage the member to refer to the leader as the member for Calgary Southwest or the Leader of the Opposition.

**Mr. Jim Prentice:** Mr. Speaker, I am encouraged that the Deputy Prime Minister will be meeting with the victims' families. This is an important step following upon the same steps taken by the member for Calgary Southwest.

However, the issue before the House today is why the government has no further plans to investigate the Air-India case in the context of

a public forum or a public inquiry. This morning the Deputy Prime Minister put forward a number of propositions that really do not bear directly on the question before the House.

I will not comment on much of what she said this morning, but I will debate the motion and I will, in a non-partisan way, address several propositions which I consider to be quite remarkable and which have been put forward by the Deputy Prime Minister and by the parliamentary secretary here today.

Let us return for a moment to the specific motion before the House, which reads as follows:

That, in light of the fact that the Air-India bombing was the largest mass murder and terrorist act in Canadian history, and evidence that errors were committed by the investigative agencies involved, this House calls for an independent judicial inquiry into the investigation of the Air-India bombing of June 23, 1985.

The motion before the House calls for an independent judicial inquiry into the investigation. This is not a motion to investigate many of the questions, matters and issues which the Deputy Prime Minister and the parliamentary secretary spoke about this morning. This is not an inquiry into air transport issues or public safety issues in respect of air transportation. This is a specific inquiry into a bungled investigation.

Specifically, the motion calls for a public inquiry to determine how and why the agencies that report to the Deputy Prime Minister bungled their investigation into the largest mass murder and terrorist act in Canadian history. The issue really is that simple, lacking a lot of the complexity which has been introduced in the House this morning by the government.

The facts, simply stated, are these. Canada's worst terrorist incident, mass murder, occurred on Air-India flight 182 approximately 17 years ago. Last month, the judge who heard the criminal trials held that those who had been charged should be acquitted in part because of unacceptable negligence on the part of CSIS in destroying evidence. CSIS reports to the Deputy Prime Minister.

Those are the facts. Those are the only facts which are completely germane to the motion before the House. In any western democracy, these questions and these facts cry out for public scrutiny.

Our hearts go out to the families of the victims today. All Canadians, especially the victims' families, are confused and disappointed. There is no closure. There is no sense of justice. There is no sense of completion. Most significant, as many of the families of the victims have said, there are no assurances that this type of incident cannot be repeated again.

This incident happened on June 23, 1985. It resulted from two bags which were loaded onto flights at the Vancouver International Airport. One of those bags exploded in transit at the Tokyo airport, killing two baggage handlers. The other bag exploded as the Air-India flight approached the coast of Ireland at 31,000 feet. Three hundred and twenty-nine people were killed on flight 182 and two were killed in Tokyo. A total of 331 innocent victims died in this act of terrorism. Eighty-two of them were children and the vast majority were Canadian citizens.

To return to the fundamental issue before us today, the question is whether a public inquiry should be struck to determine why the investigation into the Air-India bombing has been bungled.

•(1230)

In a non-partisan way, I would say at the outset that the Deputy Prime Minister is conflicted in her ability to address this question. I say this with all due respect and with no desire to be partisan in any way. The question before us, simply stated, is whether the agencies that report to the Deputy Prime Minister and which bungled the investigation should themselves be investigated.

Sunlight, as Justice Brandeis notes, is the best and only disinfectant.

As I listened to the debate this morning, there were a number of very remarkable propositions that were put forward.

First, I refer to the commentary of the Deputy Prime Minister, who referred to a number of investigations, trials and hearings which have been conducted in the past 20 years. The proposition which she put forward, as I understand it, is that because these other inquiries have taken place there is no need at this point for this House to pass a motion calling for a judicial inquiry into the bungled investigation. She referred to several inquiries, I would note, first, the Seaborn report, and a report of the Canadian Aviation Safety Board.

Let me note right off the top that those reports have nothing whatsoever to do with a public inquiry into the bungled investigation. Those inquiries related to air transport issues, and fair enough, those issues have been dealt with. That is not the question before the House today.

Second, and quite incredibly, really, the Deputy Prime Minister put forward the proposition, through some reasoning and some leap of logic, that because there have been inquiries conducted in other countries we should not have a judicial inquiry in Canada into the bungled investigation, because there has been a previous investigation in Ireland or in India.

I cannot follow the logic of why the Canadian public should be satisfied and why their fears should be alleviated with respect to a bungled investigation in Canada on the premise that there has been an investigation in Ireland or in India. Since when do we, as Canadians, look to other countries to investigate the activities of our own law enforcement agencies to reassure Canadians that we are safe? It is a proposition that makes no sense.

Equally hard to imagine is how, as the Deputy Prime Minister put forward, because there have been criminal proceedings in Canada this has led us closer to resolution of the issue before the House. Again, the issue before the House arises directly from the comments of Justice Josephson in the Supreme Court of British Columbia on the very matters that the Deputy Prime Minister is referring to. In his acquittal decision, he stated clearly that one of the reasons for the acquittal, in part, was the bungled investigation of CSIS and the destruction of evidence.

It just does not follow logically that because we have had his finding somehow there is no need to pursue it further. His finding that the evidence was bungled cries out, demands and pleads for some sort of further step in terms of a public inquiry.

If I may, I will examine this question in another context, but before I do that, let me note that we have another remarkable proposition which was put forward today and that is the emergence

### *Supply*

of the eminent Canadian, the eminent person. It is not clear who the eminent person, the eminent Canadian, is. The last time we heard of eminent Canadians, they were engaged in a circumpolar expedition with the Governor General. I assume they are back. I do not know who these eminent Canadians are.

**An hon. member:** The former mayor of Winnipeg.

**Mr. Jim Prentice:** There are many suggestions emerging from the House as to who some of these eminent Canadians might be.

The Deputy Prime Minister of Canada puts forward the proposition that we will not have a public inquiry, we will not have an investigation, we will not have it in public. Rather, we are going to have the spectre of her seeking the independent advice of an undetermined person who will identify the public interest questions and give her advice so that we, collectively she says, can all move forward.

•(1235)

It is a remarkable proposition that a public interest question would be resolved in private by the Deputy Prime Minister. What is wrong with a public inquiry? That is what the Indo Canadian families and the victims' families have been demanding for some time. That is what this House should be sensitive to. That is what all Canadians are interested in.

It is very noteworthy that in other circumstances this government and this Deputy Prime Minister have been prepared to embrace a public inquiry as exactly the way to get to the bottom of things. I quote the Deputy Prime Minister from February 16, 2004, speaking about the Gomery inquiry. She said:

Mr. Speaker, the Prime Minister and the government have been absolutely clear. We want to get to the bottom of this matter for the Canadian public. That is why we have instituted what can only be described as the most comprehensive action plan that probably any government has ever put in place: a public inquiry...

On that same day she said:

That is why we called for a public inquiry. We want to get to the bottom of this. We all want to know what happened here. We believe that is what the Canadian public deserves to know.

By parity of reasoning, that is what the Canadian public wants to know in this case. That is what the Indo Canadian families of the victims want to know in this case. They want a public inquiry. They want sunlight as a disinfectant in this miscarriage of justice. They want to know what happened. They do not want to see someone described as an eminent Canadian meeting in private with the Deputy Prime Minister, investigating the very people who report to the Deputy Prime Minister, to conduct a review outside of public scrutiny, not in public.

Returning to the motion, there is really only one question before the House today, and that is whether we strike an independent judicial inquiry into the investigation itself, the bungled investigation. There is a real question that emerges from all of this. What is the Deputy Prime Minister, and her agencies, seeking to withhold from public scrutiny? What is the difficulty with a public inquiry?

### Supply

There are many questions which remain unanswered. Why was this investigation bungled? What investigative errors of the government is the government attempting to hide from public scrutiny? What errors were made? Who made them? What steps have been taken since that time to ensure that those sorts of errors are never made again? Who was responsible? What has been done to change the situation?

Why were the working relationships between the RCMP and CSIS so strained that individuals destroyed investigative evidence, specifically tape recordings, wiretap evidence, as I understand it, of witnesses who were taped or in some cases interviewed? We are not speaking, as I understand it, of the inadvertent destruction of small portions of evidence. We are talking about the wholesale erasure of hundreds of hours of investigation, destroyed by the very agents who were supposed to be responsible for the investigation and the protection of Canadian public security.

What kind of law enforcement agency would take it upon itself in the context of the worst terrorist act in Canadian history, and at that time one of the worst in the world, to destroy the evidence? All Canadians are puzzled by that and ask themselves that question. The court described the destruction of the evidence as “unacceptable negligence”.

Returning to the eminent Canadian, the Deputy Prime Minister points out to the House that we need the assistance of an eminent Canadian to find out what questions we need to investigate. There is no need to hire anyone, eminent or otherwise, to determine what the questions are. The questions have been put right before this House by another eminent Canadian, Mr. Justice Josephson, who said very clearly that one of the reasons for acquittal was unacceptable negligence on the part of the investigative agencies.

● (1240)

That is the issue, that is the question and that is the matter that should be before a judicial inquiry. It has nothing to do with all the other matters that have been brought before the House today by the Deputy Prime Minister and the parliamentary secretary.

In addition to the questions surrounding the bungling of the evidence itself, there are, not surprisingly, accusations of a cover-up on the part of some of those who are involved, an intentional cover-up to make sure that this matter was not investigated. What we need to know is whether that is true.

The purpose of the inquiry would be to get to the bottom of that. Perhaps we will find that much of this has been put to rest. Perhaps we will find there has been no cover-up, but that in itself is of importance because these are important law investigative agencies. CSIS, in particular, is very important to the safety of Canadians. We need to go forward in the future knowing that sunlight has cleansed the situation, that Canadians have confidence in CSIS in its capacity to do its work and that there has not been a miscarriage of justice in this case.

Why is the government not prepared to convene a public inquiry? What is the issue? The Deputy Prime Minister's spokesperson says that cost is not an argument. Several weeks ago the minister's own spokesperson said publicly that the question of cost was not a consideration and not the reason for not having a public inquiry.

Several weeks ago the Deputy Prime Minister said that the reason we were not having an inquiry was that it was not possible for her to say that there would be any benefit from a public inquiry. If there is no benefit from a public inquiry, why is the Deputy Prime Minister hiring an eminent Canadian to investigate the situation? What is the benefit of hiring an eminent Canadian if there is no benefit to having an investigation or inquiry to begin with? The bottom line is that the government does not want to see a public inquiry. It does not want to see sunlight as a disinfectant getting to the bottom of this issue.

Justice Josephson, in his acquittal of the accused, said that there had been unacceptable negligence in the investigation. Those facts demand and cry out for some sort of investigation. The best way to get to the bottom of this for the sake of the victims, for the sake of the families who remain, for the sake of all Canadians and, indeed, for the sake of the law enforcement agencies, is a public inquiry, which is what the motion put forward by the member for Newton—North Delta is asking for.

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, I am glad the member for Calgary Centre-North outlined his rationale for a public inquiry, and that would be a witch hunt. I am pleased to have that kind of clarity around his rationale for having such an inquiry.

I just want to correct a couple of points that the member made. First, the Deputy Prime Minister has not eliminated any option. She talked about bringing in an eminent Canadian. The member for Calgary Centre-North wants to know where these eminent Canadians are. I and this government are very confident that we have many eminent Canadians so we do not share the member's anxiety that he proposed earlier.

We also need to make it clear that the government is not attempting to hide anything. In fact, if the member had been in the House or had listened to what the Deputy Prime Minister had to say, she said that the eminent Canadian would help her work with the families to identify what issues are still outstanding and, in doing that, to meet with any person with whom the eminent Canadian would like to meet. It is not a secret process that the government is proposing. It is a way to facilitate the identification of the issues.

How do we look at today's world in relation to the world 20 years ago when we know that so much has changed in the world of terrorism, in the world of combating terrorism and in the way that we have structured government and the policies? With so much time having elapsed, how do we reconcile a review today of something that happened 20 years ago when the world has changed so rapidly and so fundamentally?

● (1245)

**Mr. Jim Prentice:** Mr. Speaker, the hon. member raises two separate issues, one being the question of eminent Canadians as opposed to a public inquiry, and the second being what has happened over time, the passage of time and the change of circumstances.

No one disagrees that a lot has happened in the last 20 years but the parliamentary secretary misses the point. The point of the motion is to find out why the investigation was bungled and why hundreds of hours of transcript were destroyed resulting in the inability to pursue this case through to conviction.

*Supply*

I assume that there are transportation related questions with which the government has dealt. Perhaps on another day and in another time those will be investigated. I hope, as a Canadian, that some of those issues have been dealt with by the government but that is not the question in front of us.

The question in front of us concerns one of the most significant trials in Canadian history in which a respected judge made a decision in favour of acquittal and unconditionally said that one of the reasons he acquitted was because of the bungled investigation. What assurances do Canadians have that that miscarriage of justice will not happen again?

The only way we can get to the bottom of that is to do it in public. It is not eminent Canadians or any eminent Canadian who needs to have that question answered, it is all Canadians, eminent or not. All Canadians, including the families of the victims, want to get to the bottom of this but not through a secretive, reclusive process between the minister and a hand-picked person.

**Mrs. Bev Desjarlais (Churchill, NDP):** Mr. Speaker, there is no question that the Air-India disaster was one of the greatest tragedies and that the follow up investigation has become an even greater tragedy on the side of justice, certainly for the families of the victims, but also for all Canadians.

These agencies that bungled the investigation are the same agencies that have the authority and unfettered rights under the new anti-terrorism legislation that jeopardizes civil liberties and puts Canadians at risk and yet we are supposed to trust them. I believe it is crucially important that Canadians be given the opportunity to regain trust in those agencies as well as in those people who were involved in the investigations. The only way to do that would be through an inquiry into what took place, find where the faults were and, if there was a miscarriage of justice and a deliberate tampering with or destruction of evidence then that would be found out.

Is my colleague hearing the concerns of other Canadians, not just the families involved, about these agencies that were involved in the travesty toward justice now being the ones dealing with the anti-terrorism bill, and what kind of faith Canadians have in these agencies?

**Mr. Jim Prentice:** Mr. Speaker, I have indeed heard from other Canadians with those very concerns.

I want to return to the comments made by the Deputy Prime Minister. She put forward the case for the government that there should not be a public inquiry. In her comments today she referred to CSIS working closely with the RCMP. She also referred to a 1992 report by an arm's length independent security intelligence review committee that lauded CSIS. She quoted the immediate and full cooperation between CSIS and the RCMP.

What is puzzling to all Canadians, if one stops and considers this, is how an independent review in 1992 could be laudatory of CSIS when in 2005 the judge who heard all the evidence accused it of unacceptable negligence. That contradiction alone demands some sort of investigation. How then can we place any confidence in another so-called independent review conducted outside of public scrutiny to get to the bottom of this? Clearly, we cannot as Canadians.

● (1250)

**Mr. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Speaker, I want to indicate from the outset that I will be sharing my time with the member for York West.

I rise today to address the motion before the House, which reads:

That, in light of the fact that the Air-India bombing was the largest mass murder and terrorist act in Canadian history, and evidence that errors were committed by the investigative agencies involved, this House calls for an independent judicial inquiry into the investigation of the Air-India bombing of June 23, 1985.

I am speaking today to share some of my personal experiences, to convey the concerns of my constituents and of Canadians from coast to coast and to examine the role of government.

What is my position on this motion? If we carefully examine the motion it clearly indicates that the government has a role to play in providing Canadians and, more important, the families with answers regarding the investigation of the Air-India bombing.

I fully support that the government should examine all possible options. No stone should be left unturned. However, I believe the government needs to examine all the facts, not jump to any harsh conclusion and do what is in the best interests of the families.

Let me start by stating that my thoughts and prayers are with the families. I was eight years old when this tragic event took place and I recall not understanding why anyone would want to kill so many innocent people. After all these years I still have no answer. I recall sitting in the living room watching the evening news with my parents. The news reporters were still trying to determine what the cause of the plane to explode. Shortly after, it was brought to my attention that it was a terrorist attack. I remember looking to my parents and asking them how and why this happened. For the first time that I could recall, my parents were speechless.

A few days after the event my mother sat me down and explained to me that there was absolutely nothing that justified that type of behaviour. Ever since that time I have been following the investigation.

I want to put this discussion in a certain context. I think the notion of public safety is paramount in this discussion. The motion highlights that it is a major priority and concern of many Canadians. I believe the safety of citizens in this country is very important, especially for such a flourishing democracy. However government must always strike the balance between public safety and civil liberties. That is the framework and that is what we should keep in mind today.

We should also acknowledge that the government has a role to play to prevent an event like this from ever again taking place.

Those are some of my personal thoughts. I also want to reflect some of the concerns and issues brought forth by Canadians. Over the past few weeks I have received many calls and emails and I have met with many Canadians from across the country regarding this issue.

*Supply*

This is not an Indo-Canadian issue by no stretch of the imagination. This is a Canadian issue. People are concerned about the process and about the role of the RCMP and CSIS. To that effect I think it is very important in the House today that we examine some of the facts.

Let us look at what the government has done. I do not claim to be an expert but I do want to bring forth some of the issues.

The verdict in the Air-India trial was handed down on Wednesday, March 16, 2005. The defendants, Ripudaman Singh Malik and Ajaib Singh Bagri, were found not guilty. The B.C. attorney general was responsible for this prosecution and it has 30 days from the decision to appeal.

In 2003, Inderjit Singh Reyat was convicted in relation to this particular case.

In 1989, the federal government settled a civil suit related to this matter.

The security intelligence review committee, SIRC, conducted a review and process and released a summary report in 1991, an annual report that is available to the public.

Investigations were also conducted in Ireland and India. Justice Bhupinder Kirpal Nath was appointed by the government of India to head an inquiry into what happened.

In the last 20 years many things have changed. The government has invested billions of dollars to improve the security of Canadians, including airport security.

● (1255)

After the Air-India bombing, the interdepartmental committee on security and intelligence issued a review of airline and airport security. This review resulted in a number of actions by Transport Canada. There was the establishment of a restricted area access clearance program for airport workers, rigorous background checks for airport workers, and the introduction of passenger and baggage reconciliation on international flights.

One must acknowledge that this has been one of the longest and most complex trials in Canadian history. The trial lasted over two years, cost tens of millions of dollars, and over 100 witnesses were heard.

Let us begin to examine some of the financial contributions made by the government.

In 2001 the federal government began to contribute to the cost of the Air-India trial. The assistance of the government in the cost of the Air-India trial was premised on various factors, including: the impact of the high cost of the Air-India trial itself, which would severely strain the legal system; the magnitude of the offence and the public interest and significant international interest in the trial; the complexity and the volume of the evidence presented in the trial; and the national security implications of the particular case.

While the trial involved a criminal prosecution within the provincial jurisdiction, the national and international dimensions of its scope, character and implications called for significant federal assistance. It was the right thing to do. Up until today the

Department of Justice has contributed some \$30 million for the Air-India trial.

Specifically, the federal contributions to British Columbia have included 100% of the cost of victim family services, 100% of transportation costs, 100% of court reporting costs, and 100% of judiciary support. The federal government also has underwritten 50% of the cost of legal aid, 50% of prosecution costs, 50% of management services, and 50% of communications and media event costs.

It is also the policy of the Government of Canada to work with all the provincial and territorial partners to improve the experience of victims in the criminal justice system. That is why the federal government has agreed to contribute in this specific case of the Air-India prosecution 100% of the victim family services cost, which by British Columbia estimates will amount to about \$2.5 million.

I wanted to highlight the work that has been done, but we must do more. We must continue to pursue justice. It is vital.

There cannot be a Canadian who is not aware of the tragic event that took place on June 23, 1985 when Air-India flight 182 travelling from Montreal to London, England and carrying luggage loaded in Vancouver exploded in the air off the coast of Ireland and plunged into the Atlantic Ocean. It was and remains the most serious terrorist incident in Canadian history. All aboard the aircraft perished, 329 persons, the majority of whom were Canadian citizens. It was a horrific tragedy.

I would like to join my voice with others in condemning those who perpetrated this act and extend my sympathy to the families of those who died on Air-India flight 182.

I want it to be clear that I support the principle that the government must continue to explore all avenues and get to the heart of this matter in the most appropriate fashion. I truly believe that the ultimate goal is to work with the families and help bring about closure. I have full faith that the government will act accordingly.

● (1300)

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I appreciated the member's eloquent speech, which was very clear and very well done. In his speech the member said that he did want the families to have closure. The member pointed out the many things that were done for the families, but at this point in time there are few or no answers about who is responsible or what was done. There are questions about the inquiry itself.

Does the member believe that a public inquiry should be held? If he does, would he tell me why, and if he does not, would he tell me why not?

**Mr. Navdeep Bains:** Mr. Speaker, I appreciate that the hon. member put her question in a non-partisan fashion. She shows genuine concern for the issue and I really appreciate that.

I was trying to illustrate the point that very clearly this is a non-partisan issue. The issue has nothing to do with the Liberals, the Conservatives, the NDP or the Bloc. It has to do with Canadians and those Canadians who lost their lives.



I wanted to demonstrate very clearly what the government has done in the past and what we are presently positioned to do. I have full faith that the government will examine everything. Even looking into an inquiry is still an option that we have and which we will pursue vigorously.

We must examine everything. We must also wait for the appeal process to be fully exhausted at the provincial level in B.C. Then we will make a decision, but we will make a decision that is in the best interests of Canadians.

The member asked whether I agreed with the notion that the government should do something. Absolutely, the government should do something. It is paramount that the government do something to provide closure for the families. I have full faith that the government will act accordingly.

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, as I rise today may I also say that my most sincere condolences go to the families of all of the victims of this horrific air crash.

Twenty years ago the sun rose on a terrible day for Canadians when the debris of a jetliner blown out of the sky in the early dawn was our stark evidence of an act of brutal violence and our grievous reminder of the evils of terrorism. That day we as Canadians were united in our disbelief. We were united by our outrage. We were also united in our grief and our feelings for the families. In a word, all of Canada and Canadians were united by our humanity.

Those sentiments which emerged in the early hours will never grow old and will never be forgotten. For as long as there is a Canada, Canadians and people around the world will remember Air-India and we will honour the memory of the 329 souls so senselessly taken from all of us.

What would they be doing today if they had not been on that Air-India flight? Some of them would have continued on with their children and their grandchildren. Some of them would have been married. Some would have had the chance to watch all of the interesting debates ongoing in our chamber. They would have continued to be good Canadians.

It is only right that I join my fellow members in the renewal of my expression of deepest condolences to the victims' families.

It is my firm belief that it is the things which unite us as Canadians, grief, outrage, compassion and remembrance, which will endure as our most fitting memorial to the victims of the Air-India bombing.

The motion which the House will decide upon brought forward by the official opposition calls for an independent judicial inquiry. We recently learned with great disappointment that a very lengthy investigation and trial process had failed to secure any new convictions. We are seemingly without answers, left only with an anguished silence in the place of justice. It is a hard and cruel result, and it is only natural that in these frustrated days, we have the demand for a public inquiry.

Nonetheless, this is a deliberative House. Our role, difficult as it is, is not just to follow without reflection the instructions of the moment. While I too want to see justice prevail, I am going to speak against the idea of a public inquiry at this time and I believe with

### *Supply*

good reason. I realize that I am taking an unpopular stand in the House and all I ask is for a decent hearing of my views.

The prime motivation for an inquiry among Canadians is the search for justice. We all want to see the perpetrators of this despicable act behind bars. The public inquiry proposed today would get us no convictions. It would give us no answers to the central question of who is guilty. Who were the terrorists?

There is no question that Canadians want justice, no question that the government wants justice and no question that all of us in the House want justice. I think we would pay any price to see those responsible for this tragedy behind bars, but cost is simply not an issue here. That is why we have had an investigation and a trial of monumental proportions. It is a hard fact to face but it must be underlined. An inquiry would not identify the guilty parties and that is not what is proposed. Canadians need to understand that.

The next question in people's minds is, what did go wrong? Canadians want to know so as to prevent it from happening again. They want to be assured that a terrorist act can never again be visited on an aircraft carrying Canadians and that they are safe in our country.

● (1305)

There were very significant reviews and reforms in safety and security in the aftermath of the attack. In 1986, a review of airline and airport security was released, the Seaborn report, as the Deputy Prime Minister referred to this morning. It led to secure areas at airports, background checks of all airport workers, and a system to link passengers to their baggage. I am sure many of us have heard of people being removed from an aircraft because somehow luggage was there but not all passengers were there. All the luggage would be removed from the aircraft and often flights were delayed.

In more recent days the focus of air security has been intensified. The creation of the Transportation Safety Board of Canada was an investment of \$2.1 billion since 2001. Explosive detection systems for baggage and, on the broad level, the passage of the anti-terrorism act and the national security policy were backed by the investment of over \$9 billion in security related initiatives since 9/11.

The government treats air transport security with the gravity it deserves. We know that terrorists continue to look for vulnerabilities. The September 11, 2001, perpetrators knew that security measures had been enhanced and that bombs would not achieve their evil goals. Devoted public servants work daily throughout our country to ensure that gaps are filled before those who would do harm can exploit them to their advantage.

### Supply

This motion sets aside all these important questions to order an investigation into an investigation. Here we come to the crux of the matter, and some of the hardest and most difficult facts of all. A public inquiry is not a trial. Its purpose can never be to determine guilt or innocence, civil or criminal liability. It would get us no closer to a conviction and it would do nothing to prevent a terrorist attack in the future. At most an inquiry could make a finding of misconduct and it would traditionally be used to make recommendations to avoid a similar occurrence in the future.

There is ample reason to doubt that a public inquiry would be successful in accomplishing any of the aspirations we would have for it, chief among them, because the purpose is to investigate the investigation, to ensure that a better job is done if we should ever have to conduct such an investigation again. Heaven forbid that it ever happens in Canada or any other country.

The most we could hope for from such an inquiry would be a diagnosis of our ills of 20 years ago. We would learn, and even this is doubtful, about the problems of a national security structure so radically revised since then as to make any recommendations from the inquiry inapplicable to have the organizations concerned operate today.

CSIS was one year old when this tragedy occurred. It was the cold war and CSIS was not focused on terrorism like it is today. The relationship between CSIS and the RCMP was not ideal. It reflected the fact that security intelligence activities had been removed from the RCMP as a result of the MacDonald commission. This relationship was changed in 1989 by an agreement laying out their specific roles and responsibilities.

Everyone agrees there were problems then. I would remind Canadians that the Liberals called for an inquiry at the right time in 1985 and at that time the Conservatives refused it and without good reason. The time was then, not now. The organizations concerned are charged with the crucial work of keeping us safe today. All concerned must admit that an investigation of this scope would be a crushing burden on current operations. It is also unreasonable to impose on an organization charged with our security in the present an inquiry about the past where it is not likely that new answers will result to enhance public safety today.

There can be no partisanship on the most important things that we deal with in the House: our common grief, our common outrage, and our common search for justice. We all recognize that time does not heal all wounds, but the remedy proposed today is premature.

• (1310)

It is not the answer to the agonies of who and why, nor even to the demand of never again. It can never help us know the unknowable. On those grounds, reason and conscience dictate. I must oppose this public inquiry at this time. I would urge other members to do the same, as this motion is premature today.

**Mr. John Duncan (Vancouver Island North, CPC):** Mr. Speaker, I listened quite carefully to what the member for York West had to say. It is along similar lines to what was said by the Deputy Prime Minister.

Canada is a country that, in its deepest roots, is a strong, bold, confident and principled place. What the government and the Deputy

Prime Minister demonstrated today is an attempt to prevaricate, to manipulate, to control, and to hide from the very principles that we should be trying to enhance, preserve and protect.

I listened to the attempts by the member for Etobicoke North to put a wedge between whether we are calling for a public inquiry or a judicial inquiry. They are not mutually exclusive and the member knows it. I heard partisan attempts by the member who just spoke and by the Deputy Prime Minister who are saying essentially that if we disagree with the government, we are being partisan, but they are allowed to be as partisan as they want on this issue in disagreeing with us.

Why would Canada behave in a way that shows to the world and the international community that we will not turn over every stone to find out why justice has been denied, when other western countries would do exactly that and have done exactly that?

• (1315)

**Hon. Judy Sgro:** Mr. Speaker, this was the largest trial and the most thoroughly investigated, from the information I have, in Canada's history, and so it should have been. I believe every rock was turned and every avenue was looked upon to find those guilty.

I go back to the issue of what a public inquiry would do here. It would not find out who is guilty because that is not its role. The role here is to look to see what else we can learn from that.

I would suggest, when we look back at all of the different things that have been done since that horrific accident 20 years ago, we have made major steps in securing Canada's safety. The investment of billions of dollars have gone into the national transportation agency. An awful lot of issues have been looked at very carefully.

The question for us now is not whether or not we are all trying to politicize this. I would suggest that had we had an inquiry back in 1985, it would have been more appropriate. We have now spent 20 years looking under every rock and everywhere possible to find out who was guilty. But how can we protect Canadians? How can we ensure this never happens again?

Second to that, the Deputy Prime Minister is quite clear that, on behalf of all of us in the House, there will be a meeting with the families to find out what other questions they feel need answering and how we can help them have whatever level of closure that they possibly can have on this horrific issue.

**Mr. John Duncan:** Mr. Speaker, I have news for the member for York West. The families have represented their position quite well. I do not think she needs to patronize them in the way she just suggested.

I would like to know why the member has concluded that the inquiry will not determine anything? Why is she predetermining that an inquiry would not get to the bottom of anything? That is certainly contradictory to the logic that anyone I know would apply to the exercise.

**Hon. Judy Sgro:** Mr. Speaker, I believe that we all have the very best intentions. I believe that the hon. member, in his questions, feels the same way most of us do.

*Supply*

Let me outline for him a few of the different reports that have been done as a result of that: the Cork inquiry, the Seaborn report, the Canadian Aviation Safety Board inquiry, the Kirpal inquiry, the SIRC inquiry, and I could go on and on.

This was not an issue taken lightly by any government. We have all worked extremely hard as government officials with all of the departments to look at how we can improve the safety of Canadians based on that horrific incident.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I will be sharing my time with the member for Vancouver Island North.

I am pleased to put some comments on the record. I want to read the motion into the record once again. The member for Newton—North Delta presented the motion on April 5. It reads:

That, in light of the fact that the Air India bombing was the largest mass murder and terrorist act in Canadian history, and evidence that errors were committed by the investigative agencies involved, this House calls for an independent judicial inquiry into the investigation of the Air India bombing of June 23, 1985.

There is a reason why this motion came forward. As some of the members opposite and members on this side of the House have said, this should not be a partisan issue. It is a question of closure. It is not about what this government did or what that government did. It is about families. It is about the fact that the families of the victims of the Air-India tragedy have not had closure.

It has been 20 long years and there has not been an adequate examination of the circumstances. The trial faced one setback after another. Even the RCMP's key suspect died in 1992 under suspicious circumstances. There have been problems with defence counsel. The trial was forced to be postponed twice. So, over the period of 20 years, there have been many challenges.

A few minutes ago the member for York West said that the Conservatives should have started a judicial inquiry right at the beginning. The fact of the matter is that the proper thing to do at the beginning was to go through a proper trial. The expectations are always that a trial will bring the witnesses, the suspects, and the people who have to testify in to the court setting and conclusions will be arrived after all evidence is examined.

Clearly, after 20 long years and after the longest, most expensive trial in Canadian history, we find now that there were many inadequacies with how that trial was conducted, with what happened with key witnesses, and with some investigative questions that have been less than thoroughly answered. And now we are hearing 20 years later how distraught the families are because that closure has not occurred.

The member for Mississauga—Brampton South outlined the costs and all the things that have been done. I acknowledge that there have been many costs that have been incurred. I acknowledge the fact that there certainly was a strong attempt to find out what happened in this tragic event. However, after all is said and done, in actual fact, the answers are not forthcoming.

Why this is so important is because we hold dear what the member for Vancouver Island North just stated. We hold dear the safety of our citizens. We hold dear the fact that we need to ensure that our country and our citizens are protected.

We know that in this day and age, since 9/11 and since we look at the global terrorism attacks in different countries, terrorism is an issue that must be addressed and must be stopped. The message out to the world must be that things happening on Canadian soil will be examined and that perpetrators will be brought to justice.

• (1320)

Twenty years after this tragic event, the families of the victims have said that their only way for government to rectify what they see as a second tragedy is to convene an inquiry. It has been a tragedy that the answers have not been forthcoming, that there has not been a resolution of who was responsible, why it happened and what connections and networks have to be addressed.

The Leader of the Opposition called for a public inquiry on March 16, shortly after the decision was released. This is very important because the Leader of the Opposition did not dilly-dally. He did not stop. He went straightforward, made a decision and called for the judicial inquiry.

Since then, what have we heard in the House of Commons? We have heard the Deputy Prime Minister say that an inquiry is of no value, that nothing will be learned from the inquiry, but that the Deputy Prime Minister will meet with the families of the victims of the Air-India tragedy.

They are not interested in meeting. What they are interested in hearing is that the Prime Minister and the Deputy Prime Minister are listening to their request for closure. The way they get closure is to find out what really happened. Therefore, this is a tragedy that has still not come to the answers that all Canadians need.

This is a bigger global issue. This trial is a precedent for anything that might happen in the future on Canadian soil. The world is watching to see, when something like this happens on our soil, if the government ruling the country can be decisive, clear and meet the needs of the people, protect the country and Canadians on our soil.

Quite clearly I fully support a judicial inquiry and call upon the government to ensure that this happens immediately, and to have a compassionate heart for the families of the victims who have lived through this for so long and are still living the nightmare of not finding out what really happened.

• (1325)

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, I listened intently to the hon. member's comments. I will divide them off into two sections.

The first is the emotion on the floor today. Clearly, any of us wearing the shoes of those individuals who lost family members in the Air-India crash would want to see justice done. We would want somebody to pay a price. The natural emotion is revenge against the people who murdered their loved ones.

### Supply

We have a law in this country, and the judge went through an exhaustive process to review a 20 year investigation. Although the outcome was not what the family members wanted, the judge had to live under the law. A judge has to ensure, when engaged in a prosecution, that there is proof and that proof is there to support the prosecution and conviction of an individual. We all are protected by that to ensure innocent people are not convicted unfairly.

The member also mentioned the issue of closure. That is something with which the Deputy Prime Minister deeply wants help those families. She is trying very hard. She has offered anything that she has within her power. She has offered to meet with them and give the family members what they need to enable them to have that closure.

On the issue of the protection of Canadians, post-9/11 we saw the world change radically. All of us have been faced with an enormous series of challenges as to how we deal with defused, ill-define thing we call terrorism and terrorists. Complex groupings exist around the world. They are involved certainly in the Middle East, in Asia Minor, in former U.S.S.R. countries and even in South America right now. Guerilla groups in Colombia are engaged in the trafficking of cocaine.

We have done a lot to develop a security system to protect Canadians at our borders, at our ports and in immigration. The Minister of National Defence and the Deputy Prime Minister have been working with other ministers to do that.

Could the member suggest any other solutions that we have not done with respect to the issue of border security to protect our country and Canadians, which we are committed to do, from the scourge of terrorists?

**Mrs. Joy Smith:** Mr. Speaker, when I hear things like Deputy Prime Minister wants to do what the families need, is willing to listen and go ahead with anything that needs to be done, I think members opposite have lost focus. The families of the victims have asked for a judicial inquiry and that is what they need for closure.

We can talk about the millions of dollars. We can talk about what happened at the time. I will concede the fact that there was a trial, but the other fact is the trial had a lot of problems. That has to be addressed right now. That is why we are calling for a judicial inquiry. That way more evidence can be brought to light.

When we hear from members opposite that nothing else will be found, I question that. How do we know that? We will not know this until the proper procedures take place.

The families have had counselling. The families have talked to a gazillion people. That is not what they need. They need is closure, action and answers to what happened. I fully support the implementation of a judicial inquiry.

•(1330)

**Mr. John Duncan (Vancouver Island North, CPC):** Mr. Speaker, I am totally thunderstruck by the behaviour of the government today on this motion. This administration is basically done. The Liberals do not realize the stupidity of what they are doing. It has all gone fuzzy for them. I am sorry, but that is the position in which they find themselves.

The government has tried to paint a picture today that this investigation and the court case have gone along full of federal financial resources and without a bump in the road. Contrary to what the Liberals are saying, they have been playing politics with the court costs for Air-India.

I can read a direct quote from the attorney general for British Columbia, where he talks about the fact that there was an impasse between the provincial and federal governments over funding legal aid for immigration and refugee cases. The dispute was over the fact that British Columbia was being asked to pony up in a area of federal responsibility. The B.C. attorney general said:

The reason we made the agreement is that the minister of justice [then Martin Cauchon] threatened to cut off \$6.5 million in support funding for the Air India case if we maintained our position with respect to funding immigration-and-refugee legal aid.

That is the kind of behaviour that came from what is now a completely empty government side of the House.

The government is prepared to forget about the death of 329 Canadians. It is being inventive as to why it does not support a judicial inquiry. This insults our intelligence. It is demeaning Canada's international reputation. It is sending a weak message about Canada's true search for justice. This is no less than defeatism and a cover-up by the government.

I am proud of Canada. I am a proud Canadian. The minister's actions today do not meet my standards of what a strong and principled administration would do. This is demonstrating weakness, not boldness.

The government equates agreeing with it as non-partisanship. The Deputy Prime Minister, the member for York West and the member for Etobicoke North have been trying to pry apart our words to find a way to justify opposing this very reasonable call for a judicial inquiry. We are not only seeking closure for the families, we are seeking justice. Whatever happened to the true north, strong and free? CSIS and the RCMP need an inquiry. It is in the national interest.

I happen to read a lot of history books, but one does not have to read a lot of history books to know that whether dealing with MI5, MI6, the FBI, the CIA or other intelligence and enforcement apparatus throughout the world, the worst thing that can be done is not get to the very bottom of a critical failure when the system fails. We have had a critical failure. There are 329 Canadians who are dead. The government is prepared to write them off and say, "We have had 20 years of progress. The world has changed. We are going to move on". I am sorry but we need to do better than that.

There may be some eminent people around who feel otherwise, but the people overwhelmingly agree that justice has not been served. Canadians who are polled agree with that. The families agree with that. The opposition parties all agree with that.

•(1335)

What is the government doing and why? The fact that the government appears to want to close the door on this issue looks like an ill-fitting suit.

Family members have renewed their calls for a public inquiry. The member for Newton—North Delta, who sponsored the motion today, and the Conservative leader met with family members this past week. The member for Newton—North Delta said this in an article in *The Vancouver Sun*:

It was really astounding to hear the stories of the families. I think after \$130 million, 20 years, 115 witnesses and sometimes 250 RCMP officers, what we got was absolutely nothing. Still Canadians don't know who is guilty and who the terrorists are.

Susheel Gupta, a federal prosecutor who lost his mother in the terrorist attack, said on Wednesday he was “heartened by the introduction of the Conservative resolution”. He went on to say:

This is something we've always asked for. We are happy to see some integrity on behalf of politicians. At least someone in government has taken up the issue and is following up.

The announcement this morning by the Deputy Prime Minister about an eminent person making a decision that this Parliament should be making is an abuse of power. It is a manipulation. It is an attempt to control events and it is an insult to this Parliament.

The Deputy Prime Minister has talked about meeting with the families. All I can say to her is not to patronize them. She comes across that way.

The parliamentary secretary to the Deputy Prime Minister has tried to suggest that somehow our call for an inquiry would get in the way of a provincial appeal. That is utter nonsense. The government has eight more days to make that decision. There was an attempt to use that argument with the former attorney general from the province of Quebec, who firmly argued that, quite the contrary, it would actually be of great assistance and would not be detrimental to any decision the province might make to appeal the case.

Many people and many families have suffered great hurt and pain as a result of this tragedy. Things have changed. The government now has no greater responsibility than to get to the bottom of this issue.

This morning the Deputy Prime Minister made reference to CSIS and the RCMP and basically suggested that all was well. Not everyone accepts those bland assurances. What we have here is a demonstration of Canada under a Liberal administration: soft power, soft on criminals, soft on drugs, soft on corrections and soft on terrorism. There is still the stigma of the Prime Minister attending a Tamil Tiger fundraising operation against the best advice of CSIS. He has never apologized to the House or to the Canadian public for doing so. The government is anything but consistent.

● (1340)

Herb Dhaliwal, the former minister of natural resources and a senior minister for British Columbia, has said the Liberal Party was the one that called early for this public inquiry and it has to occur for the families and for everyone else. He repeated that last month. For the government not to agree with this motion is an affront to Canadians.

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, the member for Vancouver Island North got many of the facts mixed up and misconstrued what the Deputy Prime Minister said. In fact, if one were listening, one would hear that he talked about manipula-

### Supply

tion. I would suggest that to bring the motion forward today, in a climate where everyone is talking about an election, is very much a politically opportunistic type of motion, because the member knows full well that the B.C. government, the government of his own province, is still examining the question of whether or not to appeal. That does have some bearing on what the government might or might not do.

The member also mentioned polling. I guess the Conservative Party over there has done some polling on this, has it not, and it thinks this is a winning wicket. I can tell the House right now that this government is going to do the right thing on behalf of the families of victims, irrespective of what the polls say. I would welcome the member having an election on this issue because I am very confident that our government and our party will do the right thing and have done the right things.

The Deputy Prime Minister never once indicated that all is well. In this world of terrorism and the security threats that we are all facing, who would be so naive as to suggest that all is well? Of course we have challenges and of course we have to be vigilant. That is why our government has invested over \$9.5 billion in security to make our country safer.

That is why we put more money, close to half a billion dollars in the last budget, into the Canada Border Services Agency to enhance our capacity at our borders. That is why our government brought in a new national security policy last year. I wonder if the member for Vancouver Island North has even looked at that and knows what that reflects and how the changed world we are living in is the issue.

The government is leaving the options open as to how to proceed. The member suggests that the first part of that is patronizing, that it is patronizing to talk about the victims' families and to meet with the victims' families. He suggests that it is patronizing. What is wrong with this picture? What is wrong with dealing with the family members who are very concerned and distressed with the outcome of the trial? I am wondering if the member really understands full well how the world has changed in 20 years and what we can actually learn from a full public inquiry.

**Mr. John Duncan:** Mr. Speaker, this is my 12th year in the House of Commons. I realize the world has changed. Under this administration, I have watched the erosion of what Canada used to stand for and the principles it used to stand for.

Most of the rest of what the member just said is not worthy of response. It is more hot air coming from that side.

The one thing he did make reference to was some polling. That was well reported polling in the media about Canadians' reactions. It was not partisan polling done by my party or any political party, so I am not sure what the reference is about. Canadians clearly do not think justice has been served and that is the message I was trying to deliver.

● (1345)

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, I cannot get over the comment by the government minister that the government has been working hard on this matter of dealing with security issues.

*Supply*

Let us put this in perspective. From 1993 to 2002 the government did nothing on security, nothing at all. After September 11, it brought in the Anti-terrorism Act, but it did nothing for that whole period of time. It was sleepwalking right through that whole period of time. The government leaves the impression that it has been doing a whole lot of stuff over the years to deal with this issue, but Canada is about the last country in the world that got on with dealing with the terrorism issue, and this government did it screaming and kicking most of the way. The Auditor General does not have good reports about the government's record, even after the things it has done.

I have a brief question. The government says an inquiry will not answer anything, that the Liberals have everything in place and everything is sorted out now. Justice demands that the victims of this terrible tragedy get these unanswered questions answered. They have a right to know. I think the government is under a duty to make sure that answers are provided for these questions. That is part of the justice equation and I would like a comment—

**The Deputy Speaker:** The hon. member for Vancouver Island North in response.

**Mr. John Duncan:** Mr. Speaker, I concur with the question from the standpoint of asking what an inquiry will establish. An inquiry will establish some very important things. There are some obvious questions that have been asked about how our justice system failed. That is something we all need to know the answer to.

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, it is a pleasure for me to speak today on the motion introduced by my Conservative Party colleague. I consider this motion very important. Of all the subjects brought to the attention of the House, today's motion is certainly among the most important.

We must remember that, in June 1985, an Air India Boeing 747 exploded over the Atlantic. There were no survivors. Of the 329 passengers on board, 278 were Canadians.

This tragedy, in the form of terrorist attacks, is clearly one of the most important matters that parliamentarians must consider. This sad chapter in Canadian history was not an act of God. It was the result of a conspiracy, a plot and a deliberately organized attack on a community.

The way in which the legal system handled such a case is nothing to be proud of. I believe that it is completely legitimate for the Conservative Party, out of solidarity with the 278 Canadian victims and their families and loved ones, not to accept what has happened. There are increasingly serious indications, even from the courts, that some evidence was tampered with and other evidence was destroyed.

How can anyone be satisfied with the outcome when the agencies responsible for enforcing the law, the ones responsible for uncovering the truth about the worst airline disaster and the worst act of terrorism in Canadian history, might have destroyed evidence and failed to act diligently in their investigation? How can anyone be satisfied when the families, Quebeckers and Canadians are not satisfied?

The facts of this case are extremely complex. We do know that after the bombing it took over 15 years for the RCMP to lay charges.

Understandably, in matters like this, investigations are long, complex and painstaking. There are also constraints as far as the burden of proof is concerned, and even about how things need to be conducted before a court of justice and a magistrate. There is, however, nothing to justify evidence being destroyed by law enforcement agencies. I think we should be grateful to the Conservative member for this motion which might take the form of an historic reparation if this Parliament voted unanimously in favour of it.

So, 15 years after the incident, with more than \$28 million invested in the investigation, the RCMP finally laid charges against two individuals who were arrested in October 2000. They were accused of first degree murder and conspiracy in the explosions involving flights 182 and 301.

Finally, in April 2003, the trial of the two co-accused was begun. During the process, the RCMP tabled thousands of pages of documents containing evidence. In its submission to the judge, it stated that CSIS, which had members of the Sikh extremist organization wiretapped prior to the attack, had an informant—standard practice in these circles—who knew the plane was going to explode. Apparently CSIS asked its informant, three days before flight 182 was to depart, not to take it.

• (1350)

On Wednesday, March 16, 2005, that is close to two years after the trial of the two co-accused began on RCMP charges of conspiracy and murder in the first degree, Justice Josephson of the BC Supreme Court acquitted the two of premeditated murder, attempted murder and conspiracy.

The court case ran for 19 months, and 115 witnesses gave testimony. This decision does not close the case, since an ongoing RCMP investigation might lead to other charges.

How can it be that, for all these years, CSIS, which has been accused of having destroyed tapes that could have contributed to the evidence and to the process of the trial, has not been called upon to explain itself? What is the most distressing in this scenario is that people expect law enforcement agencies to contribute to the conclusion of an investigation and to help cast some light on this terrible air tragedy, the worst act of terrorism in the history of Canada.

How can there not have been any sanctions? How is it that we are not in a position at this time to have a clear and unequivocal picture of the role of the Canadian Security Intelligence Service?

It has come to my attention that a Supreme Court justice, the one who presided over the trial, acknowledged before a court of record that the Canadian Security Intelligence Service had erased recordings and destroyed evidence.

Now that the court has determined that evidence had been destroyed, additional action needs to be taken. We believe that an independent judicial inquiry is needed in order to lift the veil of mystery and ambiguity surrounding this case. The Liberal Party has already promised an inquiry to Canadians, Quebeckers and the families.

A few weeks ago, I read in the papers that the former Minister of Fisheries and Oceans, himself a member of the Indo-Canadian community and with whom I had the pleasure of travelling to India a few years ago, has accused his government of being lax, dragging its feet and failing to meet the standard of responsibility and vigilance required in an incident like this.

Twenty years after the tragedy, it is unacceptable to any parliamentarian that the families do not have an answer and that we have not investigated the Canadian Security Intelligence Service mess. Again, an independent inquiry would help prevent similar injustices from happening again and would ease the pain and suffering of the families.

Of course, we are not starting from scratch. The RCMP has also conducted an investigation. Suspects have been identified and charges have even been laid before a number of courts. People have been punished. The main suspect in the plane explosion in Japan is the one who put the explosives in the suitcases. He was punished, served 15 years in prison and then tried to move to Great Britain.

In many ways, we have to acknowledge that the details of this tragedy are still too obscure, and we are right to ask for inquiries.

● (1355)

This is not the first time that the RCMP and CSIS have used tactics that might be described as reprehensible, to say the least. We have also had unfortunate incidents in Quebec. I will obviously not make any comparisons. I am well aware that nothing in terms of human suffering, distress and desolation can equal this tragedy, which took the lives of 278 Canadians.

Do we not need to affirm once and for all that it is unacceptable under the rule of law for law enforcement agencies to not cooperate fully in an investigation? This is the distressing part.

In recent years, we have had the jurisprudence of the Supreme Court. I am thinking of the decision in Stinchcombe, which identified the duty of the Crown in all matters of disclosure of evidence. Indeed, it defined the extent of the effort required of the Crown in disclosing evidence. However, prior to that, if the RCMP or CSIS can be criticized for their handling of evidence or lack of integrity, no parliamentarian in this House can claim we live entirely under the rule of law.

Let us make no mistake. Some claim that, since the trial lasted over 15 months, all of the information has been made available. I think the Conservatives are right in saying that an independent inquiry would permit a more in-depth investigation.

I will stop here, because I am being told it is time for oral question period.

**The Deputy Speaker:** The hon. member for Hochelaga—Maisonneuve will have eight minutes to complete his remarks, following oral question period.

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## STATEMENTS BY MEMBERS

[*English*]

### PETERBOROUGH CITY SOCCER ASSOCIATION

**Hon. Peter Adams (Peterborough, Lib.):** Mr. Speaker, the Peterborough City Soccer Club, known today as the Peterborough City Soccer Association, was established in 1980. Since then this relatively small club, playing in the tough GTA soccer environment, has won many titles and cups. These include league championships in the Toronto and District Soccer League First Division, premier league titles, promotion to the Ontario Soccer League, and various league cups.

Equally important, the association has attracted thousands of boys and girls and men and women to soccer. For many years it has run the highly successful Peterborough City Youth Soccer Camp. Today 350 players, male and female, younger and older, play regularly on 25 teams.

Congratulations on 25 successful years to the Peterborough City Soccer Association.

\* \* \*

● (1400)

### BOAT OPERATOR'S LICENCE

**Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC):** Mr. Speaker, the Liberals just do not get it. They continue to insist that guides and outfitters in northern Saskatchewan should register their canoes with the federal government.

Most of the people who will be affected by the canoe registry are individuals who have literally spent their entire lives on the water. Still the Liberals want to force these northerners to travel to Halifax or Vancouver to take a captain's licence course in navigation and boat operation from government bureaucrats.

Quite frankly this ridiculous proposal defies all common sense. Policies like this cooked up in downtown Ottawa office towers end up looking only half-baked on the ground in northern Saskatchewan.

I have raised this issue a number of times in the House and still the lunacy continues. My constituents are outraged.

If the Liberal government continues to push this agenda of over-regulation, I can tell it that, without needing a captain's licence, in northern Saskatchewan it will face rough waters ahead at election time.

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### BATTLE OF THE ATLANTIC

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, early in World War II Canada commenced her struggle to keep the North Atlantic lifeline open. Winston Churchill pointed out that this battle was crucial to allied victory during the second world war. Arguably the Battle of the Atlantic was Canada's most important contribution to that victory.

In this the Year of the Veteran, thousands of sailors, both naval and merchant, and elements of the Canadian air force will be honoured for participating in the longest battle of the war. They will honour their friends who made the extreme sacrifice.

The Canadian Naval Memorial Trust in conjunction with Canadian and other allied navies will be participating in the Battle of the Atlantic ceremonies being held in Northern Ireland from May 6 to 8.

The HMCS *Sackville* is a veteran of the Battle of the Atlantic. She is the living symbol of that monumental achievement. Today, as we should be every day, we are reminded of the profound sacrifice of young Canadians from coast to coast in the defence of freedom and liberty.

Congratulations to all who honour and preserve the legacy of the HMCS *Sackville*.

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[*Translation*]

### FRANCINE OUELLETTE-LAVOIE

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Mr. Speaker, Francine Ouellette-Lavoie, of my riding, has recently received a certificate of excellence under the Prime Minister's Awards for Teaching Excellence program.

Ms. Ouellette-Lavoie is an educator at the La Montgolfière early childhood centre. Every morning, the children are taught a new word, and then get to play games designed to familiarize them with this new word. Ms. Ouellette-Lavoie motivates the children to develop a love of learning, encourages their natural curiosity and stimulates their interest.

Because she is convinced that there is an abundance of learning opportunities outside the classroom, she organizes field trips and encourages the children to take part in a number of community activities.

Dedicated to her profession, Ms. Ouellette-Lavoie has mentored many early childhood education trainees.

I offer her my heartiest congratulations.

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[*English*]

### POPE JOHN PAUL II

**Ms. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, this week Catholics worldwide and Canadians of all faiths are remembering the life of Pope John Paul II.

An inspiration to millions, in many ways he was ahead of his time. Overseeing the transition of the Catholic faith into a televised age, he

defended its relevancy in face of modern distractions. He managed to reach out to many millions through his travels and the media to personally touch Catholics themselves.

His contribution is not limited to Catholicism. Pope John Paul II built bridges with other Christian denominations and different faiths. His outreach to Jews worldwide both in terms of healing past wounds and in building a friendly and meaningful dialogue must be praised and acknowledged.

He was a friend to all humanity. Now with his passing he will be deeply missed.

My sincerest condolences to Catholics throughout Canada and the world.

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### ATLANTIC ACCORD

**Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC):** Mr. Speaker, the Liberals are trying to create a lot of confusion around the agreement between the Government of Canada and the Government of Nova Scotia on offshore resources and I would like to clarify that situation.

The actual agreement is only two pages long and has nine paragraphs. There are no strings attached, no conditions. The legislation is over 100 pages long, contains hundreds of paragraphs and has all kinds of strings and conditions attached. That is not the deal.

Yesterday, Conservative MPs asked the Liberals to keep their promise to Nova Scotia and pass this two page piece of legislation but they refused to pass the motion. It is not complicated. A promise made should be a promise kept and the Liberals owe the promise to Nova Scotia to be kept.

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● (1405)

### REGIONAL ECONOMIC DEVELOPMENT

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, as this year's budget demonstrates so well, when it comes to regional economic development, one has to build on what works.

For the last five years, ACOA's Atlantic investment partnership has had a major impact in the Atlantic region. This is why our government is providing an additional \$708 million for the ACOA program in this year's budget.

Tourism is a vital component of the economy of my province of Prince Edward Island. As an example of these important investments in the community of St. Peters Bay, the government has invested in the renovation of the historic Quigley Memorial Hall, complete with a 90 seat theatre. This project includes the development of Bayside Landing Park with its system of trails, boardwalks and a pedestrian bridge.

This budget shows that our government is committed to building on what works by continuing to invest in communities and people, like the ones who live in St. Peters Bay.



[Translation]

### GUYLAINE LEGAULT

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, at the ninth annual merit awards gala of the Quebec cooperative movement, held on February 10, Guylaine Legault was honoured with the title of 2004 co-op employee.

With this award, the Coopérative de développement régional Montréal-Laval recognized the exceptional career of Guylaine Legault, who worked her way up the ladder to the position of regional vice-president for Laval-Laurentides, at the Fédération des caisses Desjardins du Québec.

Among her many achievements, she has served as president of the Laval chamber of commerce and industry and president of the United Way campaign, as well as numerous fundraising campaigns.

A model and an inspiration for all women, she has mastered the art of blending work and family, while remaining genuine and committed.

Congratulations, Guylaine.

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[English]

### CORNER GAS

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, I rise today in the House with much pride to salute the cast and crew of Canada's hottest television show *Corner Gas*.

Filmed in the town of Rouleau, located in the heart of the great constituency of Palliser and at the Regina sound stage, *Corner Gas* is the only prime time network series to be shot entirely in Saskatchewan. The tremendous success of the show will be well-known to my colleagues who I am sure are among the nearly two million viewers who tune in each week to CTV to see Brent Butt and his co-stars in the town of Dog River.

Nominated for an international Emmy and five Gemini awards last year, the success of *Corner Gas* is further proof that Saskatchewan is home to some of the most creative and talented people in the world. I am proud to say that many of the talented people who work on *Corner Gas* are my constituents.

As the MP for Dog River, I ask everyone to join me in passing on our best wishes for continuing success to the cast and crew of *Corner Gas*.

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### CONSERVATIVE PARTY OF CANADA

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, a recent news article claimed that the Conservative Party “has the most impressive gender balance in multicultural composition of any party in the House of Commons”.

To the contrary, a mere 12.12% of Conservative MPs are female. On the other hand, women make up 24.6% of Liberal MPs, 25.9% of Bloc MPs and 26.3% of NDP MPs.

Also, the Conservatives' multicultural composition can hardly be considered “impressive”. The Liberal caucus is much more diverse,

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with 10 visible minority MPs and 3 aboriginal or Métis MPs, while the Conservatives only have 7 visible minority MPs.

Once again the Conservative Party is trying to present a new face to voters but nothing can hide the facts. It is clear that party does not reflect the Canadian mainstream.

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[Translation]

### LAZARE GIONET

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, today I would like to pay tribute to a veteran of the first world war, Mr. Lazare Gionet of Bas-Caraquet, New Brunswick, who died on Friday, April 1, 2005, at the age of 108 years and 8 months. Mr. Gionet was the oldest surviving Canadian veteran of that war.

In 1916, at the age of 20, he enlisted in the army. Mr. Gionet did not like talking about his war experiences. Moreover, he lost a 20-year-old son in the second world war.

A kind man with a twinkle in his eye, he loved to laugh and make others laugh. After his years serving our country, he married and started his fine family. Mr. Gionet was a hard-working Acadian, a fisher, a farmer, a barber, a cook and a construction worker. He leaves behind his children, 31 grandchildren, 46 great-grandchildren and 10 great-great-grandchildren.

With the loss of Lazare Gionet, Canada and Acadia have lost a man of great courage and a distinguished record. To his entire family—

● (1410)

**The Speaker:** The hon. member for Laval—Les Îles.

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[English]

### WORLD HEALTH DAY

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, “Making Every Mother and Child Count” is the theme of today's World Health Day celebrations. Yet, in parts of Africa, despite great progress, African women have a 1 in 16 risk of maternal death during pregnancy. This was part of an empowering presentation last night by Dr. Florence Mirembe of the Makerere Medical School in Uganda.

[Translation]

I wish to congratulate the Minister of International Cooperation for her announcement today, increasing by over \$90 million Canada's contribution to projects aimed at improving maternal and child health in developing countries.

As Chair of the Canadian Association of Parliamentarians on Population and Development I encourage our government to increase public sector aid to international development to 0.7% of our GDP by 2015.

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That is what we consider our fair share toward meeting our commitment to fund programs that support reproductive health, equal rights, population issues and sustainable development.

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[*English*]

#### SPONSORSHIP PROGRAM

**Mr. John Williams (Edmonton—St. Albert, CPC):** Mr. Speaker, this morning the public accounts committee released its report into the sponsorship scandal. It is a 100 page report containing a serious indictment on the mismanagement of \$100 million of Canadian taxpayer funds by the Liberal Government.

The Auditor General said that every rule in the book was broken. The report has 29 recommendations calling for a revamped internal audit system to catch the problems before they take hold, changes to the Auditor General Act so that the Auditor General can follow the money and changes to the Public Service Employment Act to prevent political employees in ministers' offices from claiming, without competition, senior roles in public service.

Finally, it contains recommendations on the obvious: do not write cheques until a written contract has been signed and do not have the same person approving the contract and managing the contract. In essence, do what the private sector has done for years: build integrity through sound management.

Would that not be a wonderful thing if we thought we were getting the same from the Liberal government?

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[*Translation*]

#### MEMBER FOR OUTREMONT

**Mr. Benoît Sauvageau (Repentigny, BQ):** Mr. Speaker, the Prime Minister's political lieutenant surprised us with his statement that there was an old guard within the Liberal Party and that the party could be threatened by a parallel group.

The member for Outremont is well placed to know the individuals he refers to as the "old guard", because on November 28, 1999, he had a sumptuous meal with Jean Carle, Éric Lafleur's former boss, who was in Shawinigate up to his neck, Marc Lefrançois of VIA Rail and André Ouellet of Canada Post, two former heads of crown corporations involved in the sponsorship scandal.

And where was this sumptuous meal, accompanied by numerous fine wines, held? At the secondary residence of Jean Lafleur of Lafleur Communication!

With friends like that, the political lieutenant for Quebec doubtless has a lot to teach us about the people he is calling the old guard.

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[*English*]

#### AGRICULTURE

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, the agriculture minister is up to his usual bloated announcement tricks and provincial ministers know it.

Our party has been demanding that the government address the problem of older animals for livestock producers who have been devastated by the BSE crisis. As well, we have been calling on the government to properly support grain, oilseed and cash crop growers across this country who have had to endure three consecutive crop disasters and depressed commodity prices.

Not even one province has signed on to this new agriculture program. It is a failure. What the industry really needs is simply for the minister and the corrupt government to step aside and let the professionals, the Conservative Party of Canada, do the job that Canadian farmers and Canadian taxpayers so desperately deserve.

Unlike the member for Glengarry—Prescott—Russell, who habitually votes against the interests of farmers and only talks about farmers after dead stock is left on the driveway, members from this side will always stand up for farmers and will continue to fight the government to ensure that farmers' interests are heard.

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● (1415)

#### IMMIGRATION

**Mr. Wajid Khan (Mississauga—Streetsville, Lib.):** Mr. Speaker, after years of making anti-immigrant statements, the Conservatives are now trying to cast themselves as pro-immigrant. How ironic.

A Conservative member recently admitted before a parliamentary committee to accepting personal guarantees of \$50,000 from constituents to help them obtain a visitor's visa.

This is unfair and unethical. What this says is that if a person can afford a member's support then welcome to Canada but, if not, then do not bother applying.

To make matters worse, the Leader of the Opposition threatened legal action yesterday against a minister over the debacle.

May I remind the House that the statement made by the Conservative member in question can be found in official committee transcripts.

I find it appalling that when the member for Newton—North Delta came into this country seeking opportunity they closed the door behind him.

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[*Translation*]

#### LORETTEVILLE KNIGHTS OF COLUMBUS

**Mr. Bernard Cleary (Louis-Saint-Laurent, BQ):** Mr. Speaker, I want to recognize the fortieth anniversary of the Montcalm Council of the Loretteville Knights of Columbus, which has 370 members. The council collects and distributes over \$25,000 every year in cash or food donations.

It also gets involved in the community by holding various activities. In this context, I want to mention the flea market, an event that will be held from May 21 to 24, 2005, and which is very important to the community I represent.

On behalf of all my constituents in the riding of Louis-Saint-Laurent and myself, I want to thank the Grand Knight, Mr. Jacques Parent, his collaborators and the volunteers who work each year to bring people together and make our community more vibrant.

## ORAL QUESTION PERIOD

[English]

### SPONSORSHIP PROGRAM

**Mr. Peter MacKay (Central Nova, CPC):** Mr. Speaker, now that the publication ban at the Gomery commission has been partially lifted and the stench and the rot of corruption is starting to leak out, I would like to ask the Prime Minister if he is prepared to disclose whether there are senior members of the staff of ministerial offices who have been released or taken a leave of absence as a result of being implicated in the sponsorship scandal, and will he list those names?

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, first, the Gomery commission was established by the Prime Minister so we could get to the bottom of what happened.

I also want to remind the hon. member that it was our party that had counsel present this morning and argued in front of Mr. Justice Gomery for the raising of the publication ban. We want as much testimony as possible on the public record, unlike the opposition members who seem keen on taking bits of testimony out of context and destroying people's reputations. We are arguing for as much testimony as possible in the public domain. Let Mr. Gomery finish his work and let us get his report.

**Mr. Peter MacKay (Central Nova, CPC):** Mr. Speaker, there is a mountain of evidence that the Liberal government is involved in a criminal conspiracy of the like never seen in this country before.

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

**The Speaker:** The hon. member for Central Nova I know will want to choose his words very carefully. Suggesting that there is some kind of conspiracy going on among any members of the House that is of a criminal nature he knows would be out of order and improper. He will want to watch his language extremely carefully in his questions or we will move on to the next question.

**Mr. Peter MacKay:** Mr. Speaker, Groupe Everest employees have pointed out that the Prime Minister himself was setting up meetings to end Groupaction's monopoly and divvy up lucrative sponsorship contracts.

The Prime Minister has acted in this way before on behalf of Groupaction. He intervened in 1994 in the national unity fund contract. His office actively campaigned to have Groupe Everest added to the list of advertising agencies.

How can the Prime Minister continue to deny knowledge—

• (1420)

**The Speaker:** The hon. Deputy Prime Minister.

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, what that hon. member has just said in relation to the Prime Minister

### Oral Questions

is absolutely untrue. Here we have another example of what the opposition does. It takes unsubstantiated allegations, it takes fragments of testimony and information and it does not care whose reputation it destroys. What we are interested in—

**The Speaker:** The hon. member for Central Nova.

**Mr. Peter MacKay (Central Nova, CPC):** Mr. Speaker, that feigned outrage is not cutting it anymore. There is evidence the Prime Minister was involved in spreading the dirty money around.

[Translation]

There are documents from the Quebec chief electoral officer to prove that the Parti Québécois got thousands of dollars from at least seven Groupaction employees, who were apparently reimbursed afterward by their employer.

Can the Prime Minister assure us that none of the money paid out by the sponsorship program went to bankroll the separatists' agenda?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, the leader of the Conservative Party calls the witnesses liars. His deputy leader describes the testimony as hogwash. They are engaging in petty politics.

There is one politician who wants to get to the bottom of all this, our Prime Minister. He appointed Justice Gomery and fully supports what he is doing.

[English]

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Mr. Speaker, it is very clear now, and we have information, that over the last two years at least seven employees of Groupaction generously donated to the Parti Québécois and some of the money indeed may well have been used and funnelled through the sponsorship fund.

The Prime Minister can tone down the temperature of all of this if we could simply get this assurance, that not one cent of taxpayer money was used to fund the Parti Québécois in its fight to break up our country. Could we just get that assurance?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, once again, these are unproven allegations. These are not facts. We will not have the facts until Justice Gomery provides us with his report.

The Prime Minister and the government have been very clear that we will get to the bottom of this. Anyone who has taken part in malfeasance for personal gain will face the full extent of Canadian law. That will be done because the Prime Minister is committed to getting to the bottom of this issue.

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Again, no specific response, Mr. Speaker.

[Translation]

Once he was backed into a corner, the Prime Minister promised that the Liberal Party would pay the dirty sponsorship money back to the Canadian taxpayers.

Will the Prime Minister also make a commitment to pay back the sponsorship money that went to finance the Quebec separatists?

*Oral Questions*

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, the party and the government have made it clear: we want to get to the bottom of this. If the party did receive funds from agencies or individuals found to be guilty, it will reimburse the taxpayers willingly.

It is, however, impossible to do anything without all the facts. We must wait for Justice Gomery's report.

**Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ):** Mr. Speaker, according to the testimony of Jean Brault, between 1995 and 2002, the owner of Groupaction and his businesses paid \$2.2 million in tainted money to the Liberal Party, which forms the government.

In light of such serious revelations about the Groupaction connection, I ask the Prime Minister if he intends to return the \$2.2 million to its rightful owner.

• (1425)

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, now that there have been allegations that the Parti Québécois received improper funding, perhaps the Bloc will agree with us: it is not appropriate to consider these allegations facts; the truth is what we need. We must wait for Justice Gomery's report.

**Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ):** Mr. Speaker, let us talk about the real issues. It has been revealed that, in order to get that \$2.2 million, the Liberal Party of Canada made use of political contributions, cash, phony invoices, falsified professional fees, the payment of Liberal Party bills, and the hiring of people who never worked for Groupaction but did work for the Liberal Party.

Is the government going to reimburse the \$2 million in tainted money?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, the Bloc mentions only allegations damaging to the Liberals or the federalists. There are allegations that the Parti Québécois also received inappropriate funds.

Why is the Bloc not asking questions about that? It is clear that the Bloc is only interested in tarnishing the reputation of federalists and in destroying Canada.

**Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ):** Mr. Speaker, what we want to destroy is the corruption that has taken over this government. That is what we want to destroy.

Jean Brault was getting annoyed by demands for funding from all sides, so he made an arrangement with Jacques Corriveau of the Liberal Party. Since 1998, Corriveau has received, on behalf of the Liberal Party, 10% of the 12% commission paid to Groupaction on every Polygone-Expour contract. This well oiled system provided him alone with half a million dollars—

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

**The Speaker:** Order! I am sorry to interrupt the hon. member for Roberval—Lac-Saint-Jean. The hon. Minister of Public Works and Government Services.

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, with new allegations against the PQ, if the Bloc wants to take allegations as fact, then it should change its

slogan. Perhaps it is not appropriate to have a slogan that says, "Un parti propre au Québec". Perhaps the Bloc will agree with us and wait for Justice Gomery's report. That would be the proper thing to do.

**Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ):** Mr. Speaker, I would like the minister to know that the Bloc is going to clean house in Ottawa.

The system set up by Brault and Corriveau involved the highest circles in the Liberal Party. The PMO awarded contracts and they were funded by the unity reserve. It approved budgets and, the organizers set up a fund-raising system. Reimburse the dirty money. That is what people want.

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, these are serious allegations, but they are not facts. It is not wise for the government or the party to act on allegations. We must wait to have all the facts before responding. This promise was made and it will be kept.

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

**The Speaker:** Order, please. Perhaps the storm has subsided for the moment.

The hon. member for Toronto—Danforth.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, it is high time the Prime Minister took responsibility with regard to corruption in the Liberal Party.

The Prime Minister's political games must stop. After 12 years, people have seen enough political games. At the heart of this scandal are Liberals reflecting the image of a corrupt federalism.

Will the government finally show leadership and tell Quebeckers that this is a Liberal scandal not a federal one?

• (1430)

[English]

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, it was the Prime Minister who established the Gomery Commission. It was the Prime Minister who said that we would get to the bottom of this. It is our party that today had our counsel before the Gomery Commission arguing for a lifting of the publication ban. We want the testimony in the public domain. We want to receive Mr. Justice Gomery's report. We want to get to the bottom of this.

What do all those people want? They take little fragments of testimony and they impugn people's reputations. They set out to—

**The Speaker:** The hon. member for Toronto—Danforth.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Prime Minister's pathetic plans and performance should concern all honest federalists in the country. What Canadians are about to see unfold before them through the media is an example of the Liberals treating the public purse as their private piggy bank. It is about to leave the impression that federalism is corrupt.

Will the Prime Minister finally take responsibility for this situation, for the country?

*Oral Questions*

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, let us be clear on this. For decades there are good, federalist Quebec Liberals who work to keep the country united, and their reputations have been unfairly tarnished by these allegations.

That is one of the most important reasons why our Prime Minister and our government are firmly committed to getting to the bottom of this issue so we can move forward. We are defending the reputation of not just the Liberal Party. We are defending the reputations of all federalists. We are also getting to the bottom of this issue for the Canadian taxpayer because it is the right thing to do.

**Mr. Vic Toews (Provencher, CPC):** Mr. Speaker, the evidence is now public. We know that misappropriated sponsorship money funded the Liberal campaigns in 1997 and 2000. Jean Brault said he knew that sponsorship money his company received was to go to the Liberal Party.

Will the Liberal Party and the government commit today that every dollar taken will be returned forthwith?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, a couple of weeks ago the leader of the Conservative Party said he believed that witnesses were lying to the Gomery commission. On Sunday, the deputy leader of the Conservative Party said that some of the witnesses' testimony was in fact a sham. If witnesses' testimony, according to the Conservative Party deputy leader and leader, is lies and shams, then why should we not wait until Justice Gomery completes his work so that we can really rely on the facts, the analysis and all the testimony?

I believe Canadians trust Justice Gomery to get to the bottom of this issue, not those people sitting over there.

**Mr. Vic Toews (Provencher, CPC):** Mr. Speaker, Jean Brault flowed sponsorship money through his corporation which landed up in the pockets of the Liberal Party. Jean Brault donated over \$1 million to the Liberal Party, all donated under the table. Will this government commit itself to returning every cent today?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I do not know where the hon. member has been for the last several months, but the fact is that the party has been very clear and the government has been very clear. If partisan funds were received inappropriately, they will be returned to the Canadian taxpayer, but that cannot be done until we have all the facts. What the hon. member is referring to are allegations. They are not facts.

In fact, the reason we have Justice Gomery is for him to apply his considerable abilities to sifting through the facts, to analyzing the facts and to submitting to Canadians and to ourselves a report that will provide Canadians with the truth they deserve.

• (1435)

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Mr. Speaker, a Liberal supporter admitted publicly that his company, Groupaction, gave thousands of dollars of sponsorship money, tax dollars, to separatists in Quebec. The Prime Minister yesterday agreed that both the Liberals and the separatists received tax dollars.

Canadians want to know which party will this government proceed against first to recover the tax dollars, the Liberals or the separatists?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, once again, the government has been clear. If there were people who were participating in malfeasance, those guilty parties will be subject to the full extent of Canadian law and, as such, those people will be forced to repay funds. That is a position that has been very clear: that regardless of partisan stripe any malfeasance will be rooted out and dealt with very, very strongly.

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Mr. Speaker, yesterday we had a disgraceful display of government members applauding reports that Canadian tax dollars went to separatists. It is like giving ammunition to the enemy. So is it not true that the biggest allies to Quebec separatists are the federal Liberals and their twisted sponsorship program?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, once again, we are getting to the bottom of this because we are not afraid of the truth and Canadians deserve the truth, but let us talk about unity for a moment, because—

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

**The Speaker:** Order, please. I cannot hear the minister, and the member for Simcoe—Grey who asked the question will not be able to hear a word. We need to have some order while the minister responds. I know the House is boisterous today, but we have to be able to hear the minister and so does the member for Simcoe—Grey who asked this important question and wants the important answer that she is about to receive.

**Hon. Scott Brison:** Mr. Speaker, once again, the hon. member is discussing allegations. She will not wait for the facts. I do not know what she has against getting to the truth. We are not afraid of getting to the truth.

When we are talking about national unity, let us never forget that when federalists were up against the wall working hard to keep the country together in a pre-1995 environment in the province of Quebec just before the referendum, the leader of the Conservative Party gave a speech saying he did not care how many national capitals Canada ended up with. We have a separatist party that wants to tear the country apart and a Conservative Party that does not care.

[*Translation*]

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Mr. Speaker, Minister of Transport and Prime Minister's lieutenant for Quebec has tried to distance himself from the sponsorship scandal by stating, "These people had no official position in the Liberal Party of Canada".

How could the minister make such a statement when we know that those soliciting donations on behalf of the Liberal Party of Canada were Benoît Corbeil, Joe Morselli and Jacques Corriveau, all senior officials with the party's Quebec wing?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, it is quite simple. I was referring to elected positions within the party, and none of the individuals named held an elected position in this party.

*Oral Questions*

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Mr. Speaker, the Minister of Transport is not being very subtle in trying to place the blame on a so-called parallel group.

Can the minister deny that the parallel group to which he is referring did not consist of anonymous actors, as he would have us believe, but rather very public Liberal Party members who were in the highest echelons of that party?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, when it comes to people who are all members of a party now accused of having collected \$100,000 illegally, as is alleged, we have nothing to learn from Parti Québécois supporters in the Bloc.

**Mr. Benoît Sauvageau (Repentigny, BQ):** Mr. Speaker, in 1997, Jean Brault agreed to pay \$50,000 in cash to the Liberal Party of Canada. In 2001, he agreed to another \$50,000. He even earned the thanks of Benoît Corbeil, then on the executive of the Quebec wing of the Liberal Party of Canada.

When will the Prime Minister require the Liberal Party of Canada to pay back all the dirty money obtained by the Liberals?

• (1440)

[*English*]

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, one would think that with allegations that the Parti Québécois received funds inappropriately the Bloc would finally understand the importance of waiting for Justice Gomery to complete his work so that we could have all the facts instead of acting on individual testimony. Because these are allegations; these are not facts. Canadians and Quebeckers will not have the benefit of those facts until Justice Gomery completes all his work.

I can tell the member that both the government and the party will be responding very strongly to those recommendations from Justice Gomery.

[*Translation*]

**Mr. Benoît Sauvageau (Repentigny, BQ):** A nice attempt at diversion, Mr. Speaker.

In addition to the cash payments, there were the phony invoices. For example, again according to the testimony given by Jean Brault, Jacques Corriveau, now well known as a Liberal bagman, allegedly billed more than half a million dollars to Groupaction on phony invoices. More dirty money.

When will the Prime Minister be asking the Liberal Party of Canada to reimburse all of the dirty money the Liberals obtained?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, these are allegations, not facts. We need to wait for Justice Gomery's report to get the facts.

[*English*]

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, one of the issues that we are trying to determine is the degree to which contracts were tied to donations back to the Liberal Party. A report that has been moved today says that Benoît Corbeil, the executive director of the party's Quebec wing, once asked for a \$400,000 donation and promised that he would get him a \$3 million sponsorship contract; this is Jean Brault. The commission Mr.

Brault would earn on that contract was to compensate for the donation.

Is the executive director of the Quebec wing of the Liberal Party, Mr. Corbeil, one of these rogue groups of parallel Liberals?

**The Speaker:** Order, please. I am sorry. I do not think that question has to do with the administrative responsibility of the government. It does not appear to deal with the recovery of government funding. The hon. member may have a supplementary that is in order, but I do not believe this one is.

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, this is not just about dirty money going to the Liberal Party or to the Parti Québécois and it is not just about enriching Liberal friends.

When will the government admit that the party that claimed it wanted to address the democratic deficit was using stolen money to undermine democracy in two successive elections?

**The Speaker:** Once again, I think the hon. member for Medicine Hat knows that questions about moneys used by parties in election campaigns are not the administrative responsibility of the government.

The hon. member for Red Deer.

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**GOVERNMENT APPOINTMENTS**

**Mr. Bob Mills (Red Deer, CPC):** Mr. Speaker, the Prime Minister said he would not tolerate patronage, promotions and appointments based on who one knows in the PMO. He said to let committees review appointments. The environment committee found Mr. Murray unqualified for that patronage job. Parliament yesterday voted 143 to 108 to remove him.

Will the Prime Minister keep his word and remove Glen Murray from his appointment?

**Hon. Stéphane Dion (Minister of the Environment, Lib.):** Mr. Speaker, I thought that today the Conservative Party members would stand up and say they were sorry they agreed to that partisan vote yesterday and would apologize to Mr. Murray, who will deliver a great job in order to be sure that this round table will handle important issues for the environment and the economy of this country.

**Mr. Bob Mills (Red Deer, CPC):** Mr. Speaker, the Parliamentary Secretary to the Minister of the Environment is quoted as saying the House vote to remove Mr. Murray "was really irrelevant".

That is exactly what the Liberals think about the House. That is exactly the true colour of these Liberals. Is it not true the parliamentary secretary's words really reflect what the Prime Minister thinks: that he never had any intention of fixing the democratic deficit?

*Oral Questions*

• (1445)

**Hon. Stéphane Dion (Minister of the Environment, Lib.):** Mr. Speaker, it is clear that the sole thing the Conservatives had against Mr. Murray is that at the last election he chose to run for the Liberal Party instead of the Conservative Party when they requested him to run with them, but this being said, it has nothing to do with the competence of Mr. Murray and his capacity to serve this country with honour and dignity.

**The Speaker:** Order, please. I am concerned about the amount of noise that seems to build up in the course of an answer, to the point where I cannot hear the answer. If it persists I will just extend the time and members will not like it. I have been enforcing time limits despite noise but when I cannot hear—

**Hon. Stéphane Dion:** Shall I repeat it?

**The Speaker:** I think I heard enough of it, and it appeared to have created a sensation in the House so perhaps today we will not repeat it, but on another day, if there is another question, I am sure the minister will want to be a little repetitious.

The hon. member for Thornhill. We will have some order, please.

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**INTERNATIONAL COOPERATION**

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, nearly half a million women die during pregnancy and childbirth and 11 million children die before their fifth birthday. Most of these deaths take place in developing countries. Could the Minister of International Cooperation explain what Canada is doing to reduce the number of deaths among women and young children in developing countries?

**Hon. Aileen Carroll (Minister of International Cooperation, Lib.):** Mr. Speaker, there is no good reason in the 21st century why so many women and children are dying needlessly.

[*Translation*]

On this World Health Day, I want to send a more appropriate message: make every mother and child count.

[*English*]

That is why I have today announced almost \$90 million in new funding for maternal and child health programs.

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**SPONSORSHIP PROGRAM**

**Hon. Bill Blaikie (Elmwood—Transcona, NDP):** Mr. Speaker, all this House and all the Canadian people ask of this Liberal government is one ounce of humility, one ounce of collective responsibility, one ounce of realizing that what is at stake here is not just the Liberal Party but the face of federalism in Quebec and across the country.

For the sake of Canada, for the sake of federalism and for the sake of integrity in Canadian politics, will someone get up and accept the collective responsibility for what has gone on and promise to repay the money, put it aside and put it somewhere where we can get access to it when we know what finally happened?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, there is only one leader in this House

who has actually done exactly that, who has taken responsibility, and that is the Prime Minister of Canada, our Prime Minister, who appointed Justice Gomery and who continues to support Justice Gomery.

We as a government support Justice Gomery because we want the truth. The NDP, the Bloc and the Alliance Conservatives are playing politics with this issue because they do not want the truth. Canadians deserve the truth. The Prime Minister stands with Canadians and with Justice Gomery because we look forward to his report.

**Hon. Bill Blaikie (Elmwood—Transcona, NDP):** Mr. Speaker, I was hoping to get something from the Deputy Prime Minister instead of the clown prince of spin over there. What we want from the Prime Minister, the Deputy Prime Minister and the Liberals is one simple act of contrition.

This is the same government that hired an army of lawyers to hold the churches responsible collectively for everything that was done in their name. Yet, as far as they are concerned, it is only individual Liberals who can commit a wrong.

It is not the Bloc that is tarnishing federalism in Canada. It is the Liberal Party. It is about time it took credit for it.

• (1450)

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, as has been said in this House many times before, it was this Prime Minister and this government that created the Gomery commission.

It is this Prime Minister and this government that wants Gomery to get on with his job. Let us ensure that the testimony that is heard is in the public domain. Let us ensure that Mr. Justice Gomery gets the chance to issue his report. Nobody more than this Prime Minister and this government wants to ensure all Canadians know what happened.

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**AIR-INDIA**

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Mr. Speaker, on Monday the Deputy Prime Minister rejected our call for a public inquiry into the Air-India fiasco.

This smokescreen of an advisor is just more stalling. Why can she not make up her own mind? Has she caught a bad case of the dithers from the Prime Minister?

Air-India was the largest terrorist attack in Canadian history. Yet, no one has been brought to justice. Nothing less than a full public inquiry is acceptable. Why is the minister dithering on this critical issue?

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, on serious matters such as this, I would appreciate it if members of the opposition who ask questions would actually get their facts straight. In fact, Mr. Reyat has been convicted in relation to the Air-India events.

*Oral Questions*

Having said that, nobody is dithering over here. We have been absolutely clear. I have offered to meet with the families. My first meeting with the families will take place on Tuesday of next week. Mr. Judd, the head of CSIS, Commissioner Zaccardelli, the head of the RCMP, will come with me. We want to sit down and talk with the families. We want to hear from them the questions that they believe are unanswered. Then we will move forward.

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Mr. Speaker, I find it interesting that our leader has meet with the families. Everyone else who has wanted to has met with the families. Perhaps the minister should explain why she has not at this point.

The minister is simply not taking this issue seriously. Twenty years later, Canadians have no idea what went wrong and they have no assurance that they will not be the next victims of this government's dithering on a matter of national security.

If the advisor says no, will she take his advice? Regardless of the advisor's opinion, a full judicial inquiry is the only acceptable option. Will the Deputy Prime Minister commit to one immediately?

**Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, the absolutely outrageous irresponsibility of that hon. member suggesting to all Canadians that this government does not take the collective security and safety of Canadians seriously is unbelievable.

That this member would suggest to Canadians that, since that horrible day in June 1985, this government along with allies around the world have not spent billions of dollars globally to learn from disasters such as Air-India and to ensure we are—

**The Speaker:** The hon. member for Portage—Lisgar.

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**SPONSORSHIP PROGRAM**

**Mr. Brian Pallister (Portage—Lisgar, CPC):** Mr. Speaker, during his six days of testimony before the Gomery commission, Jean Brault portrayed his firm, Groupaction, as a virtual financial arm of the Liberal Party's Quebec branch. He spoke about hushed up payments being made to the Liberals in unmarked envelopes, bags of money changing hands.

Let us understand the context. The Prime Minister was the number two man in the country at that time for the Liberal Party. He was the senior minister for Quebec.

Does anyone actually believe he knew nothing about this? Does the government plan to continue to defend the Prime Minister on the basis of his incompetence?

**The Speaker:** I am not sure there was a question there, but the hon. Minister of Public Works may wish to answer.

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, let us be clear, when we as a government acted to recover some \$41 million from 19 firms and agencies, the Conservative Party attacked those actions.

When we stood up for justice, and stand up for justice by supporting Justice Gomery, the Conservative Party attacks Justice Gomery and tries to kneecap him so that he does not submit a report.

We will continue to stand up for the taxpayer and we will continue to support justice. I do not care what the Conservative Party believes in these days, but I can tell the House that we believe in getting to the bottom of this issue and we also believe in supporting—

**The Speaker:** The hon. member for Portage—Lisgar.

• (1455)

**Mr. Brian Pallister (Portage—Lisgar, CPC):** Mr. Speaker, when the Liberals try to wrap themselves in the flag, they soil it with their presence inside it. This is outrageous. The Liberals have put this country at risk with their ridiculous crazy schemes.

Will the government commit to recovering every single cent of the money, plus interest, to the wall on this issue?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, when the government launched action, when I launched action as a minister of the government to recover \$41 million from 19 firms and individuals, the leader of the Conservative Party attacked us as a government for taking that action. Just because his leader is out of the country does not give him the licence to freelance.

[Translation]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in order to pay at least \$2.2 million of dirty money to the Liberal Party, Jean Brault says that no stone was left unturned, from political contributions, to cash, fake invoices, phony professional fees, bill payments on behalf of the Liberal Party and the hiring of individuals who never actually worked for Groupaction.

Now that we know what methods were used and how much money was involved in the Groupaction case alone, will the Prime Minister at least order the Liberal Party to contribute \$2.2 million to the dirty money trust fund?

[English]

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, once again, the leader of the Bloc Québécois is talking about allegations, the same types of allegations that say that the Parti Québécois in Quebec similarly received funds inappropriately.

Anyone involved in this type of malfeasance, regardless of political stripe, will be subject to the full extent of Canadian law. Until we have the report, we can only deal with allegations. I would think now that there are fingers being pointed at the Parti Québécois that the hon. member would understand that principle.

[Translation]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, let me say to the minister what his mother probably often said to him when he was not being sensible, “Nonsense”.

In 1998, at the request of a Liberal Party official, Groupaction paid a \$24,000 invoice for the production of a video by a close relation of Gagliano for the Liberal Party of Canada.

When will the government ask the Liberal Party to pay back the dirty money obtained by the Liberals through the sponsorships?



*Oral Questions*

[English]

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, the government has been clear and the party has been clear. If any funds were received inappropriately, they will be returned to the Canadian taxpayers.

The question is this. Why has the Parti Québécois not been similarly forthright and committed to doing exactly the same thing?

Let us be clear. We are committed to ensuring that justice is meted out on anybody who performed any form of malfeasance against the Canadian taxpayer. We will get to the bottom of this issue.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Mr. Speaker, Jean Brault, the former head of Groupaction Marketing, has testified that the scheme to funnel taxpayers' dollars to the Liberal Party in the 1997 and 2000 federal election campaigns continued until as recently as 2002. He said, "If it wasn't for our contributions to the party, we never would have had such a big piece of the sponsorship pie".

Will the government now finally admit that this was just a systematic scheme to take taxpayers' money from them and get it back to the Liberal Party?

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, once again, these are allegations. They are not facts. Repeating them over and over and over again does not transform them into facts. The only way we can get facts is if we allow Justice Gomery to analyze all the testimony and allow him to provide us with his report.

That is why we have an independent judicial commission in order to get to the bottom of this. I would urge the hon. member and all members of the House to respect Justice Gomery's work and to let him complete that report, so that Canadians can have the truth.

\* \* \*

**FISHERIES**

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Mr. Speaker, there is more bad news for British Columbia's Fraser River. Last season more than a million sockeye salmon went missing and on Monday it was named B.C.'s most endangered river. The fisheries committee's unanimous report and the Williams report that was just released all conclude that inadequate enforcements and DFO mismanagement are serious problems.

With the fishing season just weeks away, can the minister assure this House that he will accept the recommendations and properly enforce the Fisheries Act and regulations?

● (1500)

**Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, conservation of salmon is very important and this government takes it very seriously. In recent months I launched the post-season review. We have had the report from the Standing Committee on Fisheries and Oceans. I am looking forward to looking at both reports. We will take both into consideration as we move toward reform of the salmon fishery.

[Translation]

**HEALTH**

**Ms. Françoise Boivin (Gatineau, Lib.):** Mr. Speaker, on this World Health Day, during which the World Health Organization wants to raise awareness about this important issue, I want to know how this government intends to respond since it seems to share the Canadian public's concerns about health.

**Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.):** Mr. Speaker, the health care accord signed in September is a testament to how important health is to the Prime Minister and this government.

We have arranged to have more than \$41 billion of new money injected into our health care system in order to make it more efficient and to ensure its sustainability.

We have made sure that concrete targets are set for addressing the wait time problem. We have set out to close the Romanow gap. We are now working on a national drug strategy.

This government has injected the most money ever invested in the history of our country—

**The Speaker:** The hon. member for Carleton—Mississippi Mills.

\* \* \*

[English]

**NATIONAL DEFENCE**

**Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC):** Mr. Speaker, there must be a byelection coming in Labrador because the Minister of National Defence is finally showing some interest in Goose Bay.

In press releases the minister says he is actively promoting flying training with NATO countries. I must ask, where was his government when the Dutch pulled out, and where is it now that the British have pulled out? The answer is nowhere.

Will the minister explain why training and employment under Liberal management continues to decline at Goose Bay?

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, I can tell the hon. member where the government has been in respect to the Dutch and the British, and every other foreign government that has been training at Goose Bay. The Prime Minister himself intervened when we were at NATO. I have intervened with every foreign defence minister in respect of this file. Personally, we have taken this to their air forces.

We expect to convince many to come back to Goose Bay. We have changed, with discussions with the Goose Bay residents themselves, the way in which we charge fees to those who come to Goose Bay. We are working with the community. We are working with the foreign countries who come here to train. We will continue to support Goose Bay, not just play politics the way the opposition is doing.

*Supply***BUSINESS OF THE HOUSE**

**Mr. Peter MacKay (Central Nova, CPC):** Mr. Speaker, with the House honouring the Pope's memory tomorrow by suspending the sitting out of respect for his passing, we are interested in knowing from the government what business is planned for the week of April 11 to 15.

**Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, this afternoon we will continue debate on the opposition day motion. As members know, there will be no sitting tomorrow.

On Monday the House will hold the debate on our procedures required by Standing Order 51. Mr. Speaker, I ask you to appoint the order of the day to permit that debate. If it is completed, we will return to Bill C-23 and Bill C-22, the human resources and social development legislation.

On Tuesday and Wednesday we shall consider Bill C-43, the budget bill.

Thursday will be an allotted day. At the end of the day on Thursday we shall return to consideration of the seventh report of the Standing Committee on Health.

On Tuesday evening there will be a take note debate. Therefore, I move:

That, pursuant to Standing Order 53.1, on April 12, 2005 a take note debate shall take place on the subject of the RCMP and law enforcement in Canada.

• (1505)

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**GOVERNMENT ORDERS**

[*English*]

**SUPPLY**

## OPPOSITION MOTION—AIR-INDIA

The House resumed consideration of the motion.

**Mr. Vic Toews (Provencher, CPC):** Mr. Speaker, I am pleased to support the official opposition motion calling for an independent judicial inquiry into the investigation of the Air-India disaster of June 23, 1985. Although the disaster occurred over 20 years ago, Canadians still feel the profound horror that this crime created as the single worst terrorist act to affect Canadian citizens in the history of our nation. This terrorist act was not only a crime against those who died in the aircraft, nor only against their families, or even the entire East Indian communities in Canada. The scope of this crime reached every home in Canada.

Terrorism by its nature is a coercive method of intimidation that leaves no citizen free of its force. Therefore, we must not see this terrorist act as a crime in isolation from the rest of society. This is not a crime that simply happened against a specific ethnic community or a group of families.

After the accused in this case were acquitted, the Leader of the Opposition called on the government of British Columbia to closely examine the ruling to determine whether there were avenues for appeal. Failing an appeal, the serious questions that have been raised about the investigation into the bombing deserve to be answered. The Conservative Party believes that the best mechanism to do this would be through an inquiry.

On June 22, 1985 Air-India flight 182 exploded off the coast of Ireland killing 329 people. The majority of the victims were Canadians. Less than an hour earlier, another bomb had exploded at Tokyo's Narita airport killing two baggage handlers. For the next 15 years the Air-India investigation languished, with the exception of the 1991 conviction of Mr. Reyat in the Narita bombing case. Police presented evidence linking components of the bomb remains found in Tokyo with items that Reyat had purchased in the preceding weeks, among them a Sanyo stereo tuner that police believe housed the Narita bomb. Mr. Reyat served 10 years for manslaughter in the deaths of the two baggage handlers at the Tokyo airport.

In October 2000, charges were laid against two individuals. They were charged with murder, attempted murder and conspiracy. On June 4, 2001 the British government agreed to allow Canadian authorities to charge Mr. Reyat in connection with the bombing. As a British citizen already extradited to Canada for his trial on the Narita charges, Britain had to agree before these further charges could go ahead.

After the British courts approved the waiver of extradition rights, the RCMP formally arrested Mr. Reyat on seven new charges, including murder, attempted murder, conspiracy in the Air-India bombing and the explosion at Tokyo's Narita airport.

On February 10, 2003 in a dramatic turn of events, Reyat changed his story. He pleaded guilty to one count of manslaughter and a charge of aiding in the construction of a bomb. All other charges against him, including the murder of 329 people, were stayed and he was sentenced to five years in jail for his role.

On April 28, 2003 the trials of Mr. Malik and Mr. Bagri began. The testimony, presentation of evidence and arguments lasted until December 3, 2004, just over 19 months.

Why is an inquiry necessary? There have been allegations that the RCMP and CSIS bungled the investigation. It is very important to remember that these are national police forces. Even though the British Columbia government and the attorney general's department there prosecuted, these are national police forces. There were allegations that somehow the RCMP and CSIS had bungled the investigation. There were also allegations centred around the government's lack of action in the face of apparent knowledge of impending attacks by Sikh extremists and knowledge of the perpetrators themselves.

The investigation and the prosecution of the accused have been the longest, most complicated and most expensive in Canadian history. It is estimated that the costs are somewhere in the neighbourhood of \$130 million.

• (1510)

The legal process has been agonizingly slow for relatives of the victims. The trial faced one setback after another.

*Supply*

The RCMP's key suspect, a Mr. Parmar, died in 1992 under suspicious circumstances, the result of an alleged gun battle with the Indian police. Problems with defence counsel forced the trial to be postponed twice. Some witnesses are in the police protection program, unable to live in their cultural communities. Reporters covering the story at trial were harassed and had death threats issued against them.

Families of the victims have said that the only way for the government to rectify what they see as a second tragedy is to convene an inquiry. The public safety minister has said that she would have to be convinced that there is anything to be gained from a public inquiry, although she at least acknowledged that she would have to review the judgment and speak to the attorney general of British Columbia before commenting further.

The minister also did offer to meet with family members of the Air-India bombing victims to explain how investigative and intelligence gathering operations have improved since the bombing.

There is a fundamental flaw with that approach. There is somehow the idea that the victims and the families are the only ones involved. That is simply a poor way to proceed. It misinterprets the fundamental nature of an act of terrorism against a nation itself. It may well have been that the victims were mainly East Indian, but that is like suggesting that after 9/11 the American attorney general would only meet with the families of those individuals who were actually in the buildings that were hit by the airplanes. That is simply not a satisfactory resolution. This is a national issue. It is not one that is a private matter between a minister and the families. I do not believe that the families would be satisfied with simply having a visit with the minister.

The minister did offer to meet with the families, but clearly that is not an appropriate way of dealing with a matter that affects not only the families, but the nation as a whole. These meetings would not be in public and the scope of terrorism is not limited to these families. All Canadians deserve to know what happened and what went wrong in this investigation. As well, the scope of the inquiry would be much broader than simply the criminal investigation and the evidence presented at trial.

As we know, at a criminal trial the evidence is tailored to prove the guilt or innocence of a particular accused. There is all kinds of evidence that simply is not relevant. There are a number of constitutional and evidentiary reasons why that evidence could not be brought forward in the actual trial.

The public inquiry could consider some of the evidence that was already provided. We do not necessarily have to re-hear from all of those witnesses, but some independent fact finder looking at this issue, looking at the public inquiry, should take a look at the evidence given at the criminal trial, plus the much broader scope that individual would have in having a public inquiry.

Furthermore, with an inquiry we simply do not look at the evidence related to the substantive act of terrorism as is the case here. What the inquiry could also do is take a look at the investigation itself to determine the shortcomings. The government owes it to the RCMP and owes it to CSIS to bring forward what their

involvement was and whether or not they did everything possible in the circumstances.

● (1515)

No one is suggesting that this was an easy case to either investigate or prosecute. Indeed, the judge himself would have had many difficult decisions to make during the course of the criminal trial.

However the public inquiry could look at the investigation and at least satisfy Canadians that the investigators and the relevant government agencies, whether provincial or federal, did what was prudent and necessary in the circumstances. If they did not do what was prudent and necessary, the inquiry could make recommendations to ensure that those problems have been addressed or should be addressed. If there were problems in the investigation, I would hope that over the last 20 years CSIS or the RCMP have improved their procedures, which is what Canadians need to know in the aftermath of the criminal trial.

In addition to the opposition parties, the Canadian public and the victims' families, there are many others who support an inquiry into this matter. Even the health minister, who was the former British Columbia attorney general, did not rule out an inquiry. Specifically, he said, "Let's await the outcome of any appeal or appeals. Once that is exhausted if it would serve a useful purpose we'll certainly take a look at it".

That is not necessarily encouraging in terms of him being outside of a public inquiry but, unlike the public safety minister, he has not closed the door to that. He is no doubt sensitive to the fact that he comes from the community where many of those families and others were affected by the tragedy.

On CTVs *Question Period* on March 20, 2005, he said, "Well I want you to know that I don't think anyone has ruled out an inquiry".

The health minister is not the only one from the government benches saying this. Some have gone further and have offered their full support for an inquiry. The Liberal MP for Edmonton—Mill Woods—Beaumont, who wrote the book *Betrayal: The Spy Canada Abandoned* about the links between a Canadian spy and an Indian plot for a second terrorist bombing, told the *Hill Times* last week that the government should hold a public inquiry.

Senator Jaffer, in a CP wire story from March 23, 2005, said that "her government should do the right thing and launch a public inquiry so that all Canadians can know how and why justice failed to convict those responsible after so long".

I am suggesting that her test here is a little wrong because it is not to say why justice failed to convict any specific individuals. I think the purpose of the public inquiry is to put the facts on the table.

A former Liberal cabinet minister, Herb Dhaliwal, who sat in the House with us, has spoken out the most strongly by saying that it would be "a betrayal of years old Liberal promises if the government refused to hold an inquiry". He further said that "the public safety minister's offer to meet with victims' families to explain how police intelligence procedures have changed since the bombing is absolutely not enough". This was quoted in the *Globe and Mail* in March 2005.

*Supply*

Clearly it is not enough to explain this to the families. Canadians have a right to know whether there were failings in the police investigation and whether they have been addressed, to what extent they have been addressed and to what extent they have not been addressed.

Although the public safety minister has all but closed the door to an inquiry, Mr. Dhaliwal said, correctly, that the Liberals will be breaking a promise that dates back to the 1980s if they fail to call one.

It might be said that Liberals have broken promises before but whether that is correct I think the record is clear. They made a specific promise to call the inquiry and they are under a moral obligation to do that.

• (1520)

**Mr. Gurmant Grewal:** In 1993 they campaigned on it.

**Mr. Vic Toews:** Yes indeed, as my colleague from Newton—North Delta, one of the prime movers of the motion, says, the Liberals campaigned on that in 1993. I want to thank him for the incredible work he has done on behalf of his constituents who are directly involved in this. However he would not suggest that this is a private matter between the families and the Minister of Public Safety. I think he would be one of the first to stand and say that a public inquiry is in the national interest.

I want to thank that member for the leadership he has shown in that respect. The people, not just his particular riding but in Surrey generally, should thank him for the leadership he has shown.

A former leader, John Turner, led calls in the House of Commons in 1988 for a royal commission to look into the disaster.

In 1994, the solicitor general at the time, Herb Gray, said, “I would like to keep the idea of a royal commission under consideration”. He was responding to a Toronto Liberal MP, John Nunziata, who was urging a public inquiry.

Now Mr. Gray was known as the “grey fog”. That would be about the closest that man ever came to making a commitment in this House. I think it should be given some weight that he actually said he would like to keep the idea of a royal commission under consideration. That is as firm a commitment as one would ever get from that hon. member and I think the Liberals should take that under consideration.

There are so many compelling reasons to commence a public inquiry into the Air-India disaster and absolutely no reasons to refuse one.

Three hundred and twenty-nine people lost their lives when a plane flying from Vancouver was bombed by terrorists. The acquittal by the British Columbia judge brought no closure to the victims' families and no closure to that issue insofar as the opposition parties are concerned, the Conservative Party specifically, and the member for Newton—North Delta.

I want to stand with the member for Newton—North Delta and say that the families of the victims and Canadians need answers on the investigation of the crime and on the crime itself. Although the MPs on the other side of the House called for an inquiry when they

were in opposition, they now refuse to be accountable to Canadians on this matter.

I want to encourage all members on the other side to defend the victims of this terrorist act, to defend the integrity of the justice system in Canada and to support the motion to ensure that justice is finally done.

• (1525)

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, I thank our justice critic, the member of Parliament for Provencher and former attorney general of Manitoba, for his concern with the Air-India disaster. He is on record for looking for ways to seek justice in this largest terrorist attack in Canadian history.

Given the fact that this was Canada's largest terrorist attack with 329 Canadians killed, 80 of them children, and given the fact that we have had other inquiries, such as the Somali inquiry, the Krever commission, the Gomery commission at the present time, and others, does it diminish the size of the tragedy by saying that we will have Gomery do an inquiry into missing dollars but the largest terrorist attack is not worthy of an inquiry? We have had a 20 year time lapse, from June 23, 1985 to 2005. There has been ample time.

As he already mentioned in his speech, the former prime minister called on the former government, the Conservative government, to set up a public inquiry or a judicial inquiry but now that the Liberals are in power they are refusing to do it.

Does it diminish the size of the tragedy when they refuse to do these judicial inquiries? Does the member know why they would say no?

**Mr. Vic Toews:** Mr. Speaker, this tragedy not only affects the families in a deeply painful way but the families need closure on this issue. I think in these circumstances some type of public inquiry needs to take place. It would show respect for the victims of terrorism. It also would send out a much broader message, which is that Canada will not simply roll over when it is the victim of a terrorist attack, that it will expend as much time and energy as necessary to get at the facts and to the actual problem.

I believe the government should show that dedication, not just to ensure the families receive closure but to ensure the integrity of the Canadian justice system and, indeed, Canada's reputation as a front line fighter against terrorism in the world. Terrorists need know that things will not be pushed under the carpet simply because a criminal trial has ended. If there is something to be learned, then let us learn it from the public inquiry.

The minister should be open to this. She should not simply be meeting with the families. She should show that Canada stands shoulder to shoulder with its allies in the fight against terrorism.

**Hon. Paul DeVillers (Simcoe North, Lib.):** Mr. Speaker, I would like to indicate that I will be sharing my time with the Minister for Western Economic Diversification.

I am honoured to take part in the debate on the motion brought forward by the hon. member for Newton—North Delta.

*Supply*

The Air-India tragedy was the worst terrorist attack in Canadian history. In 1985 all Canadians grieved alongside the families and friends of the Air-India victims. Today we share the pain and frustration of this unresolved tragedy. However, like many of my colleagues before me, I must speak against the motion that calls for a judicial inquiry at this time.

Notwithstanding the recent court decision, it is important to look at some of the context in which the disaster occurred, specifically as it relates to actions of the Canadian Security Intelligence Service, CSIS. I would like to devote most of my time to dealing with the evolution of CSIS.

In 1989 the Royal Commission on Security, the MacKenzie Commission, proposed the creation of a civil security intelligence service for Canada. That call was repeated later in 1981 by the MacDonald Commission. The government responded in 1981 by announcing that the security service would be separated from the RCMP and established a civilian security intelligence agency.

The design of the Canadian Security Intelligence Service Act was the sum of the best efforts of the government and Parliament to find points of consensus from an abundance of views.

A number of options confronted lawmakers of the day. The need for collective security to ensure the safety of the state and its institutions from threats of espionage and terrorism while protecting individual rights to privacy, to dissent, to political activity and to hold and express unpopular and radical opinions was perhaps the most important balance that had to be struck by the act.

In 1984 we lived in a different global security environment than today. Back then when the United States and the Soviet Union were pitted against each other in a nuclear arms race, the majority of the operational resources of the service, approximately 80%, were dedicated to threats from espionage, clandestine foreign interference and subversion. At that time, CSIS was comprised of 1,968 employees and had an operating budget of approximately \$115 million. At the time of the Air-India tragedy in 1985, CSIS was in the midst of creating itself. It was a time of considerable transition.

The extensive accountability regime created for the service involved more direct control by the minister, who was accountable to Parliament, and also included two review bodies, the Security Intelligence Review Committee and the inspector general for CSIS, both of which have access to all CSIS employees and all documents except cabinet confidences. There is probably no intelligence organization in the world with such an extensive regime. Fully two-thirds of the CSIS Act deals with accountability and review.

In 1991-92 the Security Intelligence Review Committee, SIRC, reviewed the Air-India issue, scrutinized thousands of CSIS files, conducted interviews of numerous current and former members of the service as well as meeting with representatives of the families of the victims and officials regarding the disaster and its investigation.

In August 1992 SIRC produced a 130 page report. SIRC's review focused on what information CSIS possessed on any threats of terrorism or terrorist action against Air-India and whether it fulfilled its mandate in investigating such threats and advising the appropriate authorities.

SIRC also sought to learn whether CSIS provided all the information in its possession to appropriate law enforcement agencies investigating Air-India. SIRC reviewed whether CSIS complied with all policies related to collection and retention or erasure of audio tapes.

SIRC found that CSIS was investigating potential threats posed by Sikh extremists in accordance with its mandate and in a manner consistent with the then perceived level of threat. Based on its review of the information that CSIS possessed, SIRC determined that the service was not in a position to predict that the Air-India flight was to be the target of a terrorist bomb. SIRC also concluded that in the period following the disaster, all information in the possession of CSIS that was relevant to the investigation was provided to the RCMP.

- (1530)

However, SIRC had criticisms. It noted that inadequate policies accounted for delays in the provision of the information to the RCMP. SIRC also noted that the policies of CSIS on collection, retention and erasure of surveillance audiotapes were deficient and that informal procedures developed to compensate for these problems were not adequate. This is an issue that has been very controversial.

It must be remembered that CSIS is not mandated to collect for evidentiary purposes. Rather collects information on threats to the security of Canada so as to forewarn government. Additionally, the CSIS Act constrains the service to the collection of information that is strictly necessary for the investigation of a threat to Canada's national security.

Most important, SIRC found that it was unlikely that those prevailing retention practices resulted in the loss of important information relevant to the disaster or the investigation.

Much has changed in the world and within CSIS over the past 20 years. When CSIS was first created, SIRC found fault with some of what was done. It recognized, however, "CSIS was naturally under pressure to keep important operations going, and this kept fundamental reform low on the priority list". Regardless, it took more than three years for this situation to change significantly, causing the committee's 1991-92 report to conclude that CSIS was now virtually a new organization and that "the tone and content of reports by intelligence officers on targets' files have all changed significantly for the better".

Twenty years of constant review activity have prompted adjustments to the service's management procedures. At the same time, the service moved ahead in forging relationships with its domestic partners with the RCMP being among the most important. The relationship between the two organizations is a close one.

In its 2002-03 report, SIRC noted that the service and the RCMP had shown the capacity to "assist each other effectively while working within their respective mandates". Not only did CSIS evolve and mature in terms of its centralized organizational and management structure, it also had to adapt to the quickly changing threat environment.

### Supply

In 1986 CSIS saw a budget enhancement of nearly 60% toward the service's counterterrorist program. In 1992, at the end of the cold war, the service examined the changing threats to Canada's national security to assess how the service should restructure to meet security intelligence needs.

Since then, world events have clearly demonstrated the ongoing threats from terrorists. They have also led to an increased budget for CSIS and a reorganization of the service's operational structure. As SIRC again noted in one of its recent annual reports, CSIS was still evolving.

• (1535)

[Translation]

Today, CSIS has 2,350 employees and a budget of around \$292 million. Its employees are more representative of the Canadian population than at any time since its creation in 1984. Some 10% of its employees are members of visible minority groups of various ethnic origins, and one-third of the intelligence officers speak a foreign language in addition to one or both of the official languages.

[English]

They are highly educated, bilingual and more than one-third of the service's intelligence officers speak at least one foreign language. The service's information management technology is the envy of the security intelligence organizations in other jurisdictions.

As well, in 2005 CSIS is working more closely than ever with its domestic partners and foreign allies, maintaining cooperative relationships with agencies in 140 countries. The newly created Integrated Threat Assessment Centre, housed within CSIS and headed by a senior member of the RCMP, is another example of the increased domestic cooperation.

Not only is CSIS working more closely with the domestic and international partners through the national security policy, it is increasingly engaged with Canadians, for example, through the Cross-Cultural Roundtable on Security, and will again have the opportunity to do so with the National Security Advisory Council.

For those reasons, the changes that we have seen within CSIS and the reports that have already come forward, I have to agree with the Deputy Prime Minister that we need to address the issue of dealing with the families and their questions, but certainly not at this point have a public inquiry.

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Mr. Speaker, first, we are almost half way through the debate on this important issue and I have not seen even a little integrity from the government benches to at least admit that there were grave errors in the investigation done by the different federal institutions involved, CSIS and the RCMP. So far the government has not admitted there were errors.

Second, the Deputy Prime Minister spoke earlier. She has shown an interest in meeting with the families, even though she has given very short notice. This makes it practically impossible to meet with the families of the victims. I talked with them earlier when they were here.

The minister also seems very keen on holding the 20th anniversary memorial, rather than keeping the Liberal Party promise

on which it campaigned. Many Liberal members have stated that there should be a public inquiry and the opposition members are demanding one.

Rather than looking for an opportunity to make speeches and have photo ops, why not do the right thing and call the public inquiry for which we have asked. Then all the facts could be known. We would know who was negligent, how that negligence could be prevented in the future and how to keep such tragedies from happening again.

A public inquiry might solve the problem to the extent that it will come up with some solutions and a better approach afterwards, which will be useful to secure Canada's integrity at the borders for the future when terrorist threats may be more serious as we move along in this century.

What do the Liberals have to hide? Why are they dithering and putting roadblocks in making these appointments, shedding crocodile tears and not doing the right thing? Why not do the right thing, call a public inquiry and put an end to all the speculation and rumours that are ongoing.

I am concerned and so are the families of the victims about what the government has to hide. Could the member shed some light on this?

• (1540)

**Hon. Paul DeVillers:** Mr. Speaker, on the first question about errors or fault, it is fairly clear that there were some things done in the course of the investigation that were not things of which either the RCMP or CSIS are necessarily proud. Those things are already in the public domain. They have been addressed through various reports, such as the SIRC report and the various trials. None of these events could have prevented the act of terrorism that took so many lives. It is a question of investigative procedures that have changed over time.

As far as hiding anything, I cannot fathom how the hon. member can seriously think there is something being hidden. There are some unanswered questions. The identity of the perpetrators has never been proven in a court of law, but there have been trials.

The recent trial in British Columbia was the longest trial in Canadian history, costing millions of dollars. Much of the information is already in the public domain. That is why I agree with the Deputy Prime Minister when she says "show us what could be gained after 20 years of rehashing the same information". Then perhaps a public inquiry or further procedures could be taken.

At this point we do not see the necessity to rehash some of the information that is already in the public domain. That is why the Deputy Prime Minister will be meeting with the families, to try to get further information and see if there is any justification for an inquiry.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, there was evidence before the trial judge in the criminal case and findings that he made expressing concerns about the conduct of CSIS, the quality of the work that was done and the lack of cooperation between CSIS and the RCMP.

Does the member not believe that this should be explored as one of a number of things by a public inquiry?

*Supply*

•(1545)

**Hon. Paul DeVillers:** Yes, Mr. Speaker, there are findings. The point of a public inquiry is to get to the bottom of the information. There have been findings. Sometimes I get the impression that what the opposition is looking for is a public flogging of the RCMP or of CSIS. I do not see where that benefits Canadian security or Canadians. It is a situation where we would need to see that there could be more information revealed from a public inquiry.

**Hon. Stephen Owen (Minister of Western Economic Diversification and Minister of State (Sport), Lib.):** Mr. Speaker, I commend my colleague for his very comprehensive rendering of the circumstances since the tragic terrorist incident of 1985. All members of this House of course share the grief of the families of the victims of that tragedy.

What we have to do going forward is ensure that we have all the available information and the proper process for proceeding to fill in any gaps that continue to exist in that information, but we do have a great deal. My hon. colleague has set out quite a record of how things have changed with respect to investigative procedures and relationships between the RCMP and CSIS since 1985, when of course CSIS was only one year old.

Frankly, as a result of the circumstances in the late 1970s and from the report of Mr. Justice McDonald, it is quite obvious that there were less than perfect relationships between CSIS and the RCMP in those early days.

That being the case, however, this debate is about whether there should be a public inquiry. I know that members opposite are fully aware that the appeal period is 30 days from the rendering of the judgment of Mr. Justice Josephson, which was handed down on March 17 of this year. Therefore, without that appeal period having expired, and before the decision of the British Columbia attorney general, who has responsibility for deciding whether there should be a Crown appeal on this, I think it would be irresponsible for this government to come out and institute a public inquiry before knowing that decision. First of all, it is premature, but it may not be appropriate.

It also may be appropriate. The Deputy Prime Minister has not ruled out, nor has the government, the possibility of a public inquiry into the circumstances around the investigation into this tragedy. We are all far too aware of the extent of this tragedy, but it is really about the investigative procedures and the whys in this most lengthy criminal trial, which was certainly one of the most, if not the most, complex criminal trials in Canadian history, with the acquittal of Bagri and Malik.

I am sure that hon. members opposite who are encouraging the government on a commission of inquiry into this matter have carefully read the reasons of Mr. Justice Josephson. I certainly hope they have, because there is a great deal of information about the inadequacies of the investigation, which led in many cases to the inadmissibility of evidence. Members should be carefully considering this when they suggest perhaps the broadest possible inquiry. Some inquiry may well be appropriate, but it is important that we take the proper sequence of events. The first is to wait upon the decision of the attorney general of British Columbia as to whether this criminal matter will be appealed.

Second, it is extremely important, when we are taking into full account the sensitivities of the families of the victims and the family victims of this horrible tragedy, to make sure we understand exactly what their concerns are so that they can be most efficiently, expeditiously and sensitively dealt with. A public inquiry may well be the way to deal with that. But I think as any members of this House who have had any experience either taking part in or observing public inquiries across this country will have to know, it is extremely important to have very precise terms of reference, very precise time limits and control over administrative matters of public inquiries, which are the responsibility of the commissioning government to ensure, so that we do not just have wide-ranging, undisciplined inquiries without very focused terms of reference.

•(1550)

If there is to be a commission of inquiry in the future, and perhaps in the near future, then it should be done with a very focused mandate that is informed by the processes over the next very short period of time, as the Deputy Prime Minister has suggested. One of those, of course, is a meeting as soon as possible with the families, certainly in the largest Sikh community where most of the victims came from, in Toronto, and also in the very large Sikh community in Vancouver, where all accepted evidence suggests the bombs were actually constructed and placed upon planes.

Let us find out what is most on the minds of those families. I think with members opposite suggesting that this is for the benefit of the victims this is only the most respectful way to find out in short order what is of most concern to them.

When we find that out and put against all the previous investigations and in fact this very lengthy trial what we already know, let us therefore construct an inquiry or an investigation that will answer in the most expeditious, sensitive and appropriate way possible. It has been suggested that an independent investigator, acting with agility and sensitivity and an independent mandate, may be of great assistance once the key issues are identified in really coming to grips with what would be most appropriate.

That person would or could make recommendations publicly to the government in short order, which could perhaps set out terms of reference for a public inquiry. That is not being rejected as a concept. That might be a more efficient way of going forward rather than just immediately setting up a wide-ranging commission of inquiry that may go on for a long period of time at great expense without properly dealing with the issues of most concern.

Also, what is critically important is what my colleague mentioned previously, but let me put a little more emphasis on it. This tragedy, which was the greatest act of terrorism in Canadian history and until that time had the greatest number of fatalities in an act of air terrorism in history anywhere, was in 1985. Many things have changed. Not only have the investigative procedures and the relationship between CSIS and the RCMP changed, but also the world has changed as a result of September 11, 2001.

### Supply

In reaction to that, extraordinary actions have been taken by the Government of Canada and its investigative, security and police services to increase the security of Canadians, particularly with respect to air travel. I will mention very specifically the \$1 billion that is being invested in explosives detection systems to screen checked baggage. In the case of the Air-India disaster and the Narita killings, it was checked baggage.

It is also important to understand that as a result of the anti-terrorism legislation brought in by this government in 2001 following the September terrorist tragedy, two Sikh terrorist organizations, Babbar Khalsa and Babbar Khalsa International, have been listed as terrorist organizations. That is an extremely important step forward in terms of this specific threat, particularly to members of the Sikh community in Canada. Sikh Canadians have been killed. Members of the Sikh community may well continue to be threatened.

Let me mention as well that as a result of that anti-terrorist legislation, which came under a lot of discussion in committee and debate in the House, the issue of investigative hearings came up. It was felt that perhaps that was too heavy-handed, that it was going too far and intruding on civil liberties.

Let me say that the investigative hearing process has been used but once and that was to provide in camera anonymity and protection for a witness in the Air-India trial who was able to be brought forward by subpoena. That gave her added protection so that she was not seen to be voluntarily putting herself into danger by bringing evidence. She was able to give her evidence in camera. That anonymity protected her. That is a very good example of why that investigative hearing is an extremely important tool as we reconsider, as was set out in the original policy, the investigative hearing measures of the security act.

• (1555)

A lot has been done and, as we have heard from my colleague, there may be things still to be uncovered. There are issues that the families will want dealt with specifically. We will determine those with the commissioner of the RCMP and the head of CSIS, with the Deputy Prime Minister. We will look to perhaps an investigative procedure to consider whether a public inquiry is necessary, and if it is necessary, we will make sure that there is a very focused and sensitive but comprehensive terms of reference to deal with the issues that remain—

**The Deputy Speaker:** The hon. member for Newton—North Delta.

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Mr. Speaker, I appreciate the spirit in which the member has spoken, but there are a few comments I would like to make with reference to what he has stated.

The anti-terrorism act that the government passed in 2001 was done after the incidents in the U.S., after 9/11, but not after the worst terrorist disaster in Canadian history.

He also talked about banning two terrorist organizations, but there are still terrorist organizations and fronts for terrorist organizations in Canada, according to CSIS. They are still here. They have not been banned.

The government has done only band-aid solutions. It is only window dressing to address some particular organizations. There are still organizations that have been declared terrorist organizations by the United States but not by Canada, as the member from Okanagan—Coquihalla has mentioned a few times in the House. Also, this was done 16 years after this tragedy actually occurred. As well, the Prime Minister and many members on the Liberal side have attended fundraising dinners for terrorist organizations as late as only two to three years ago.

The government's approach is not a holistic approach. It is only a band-aid solution and it is not working.

My particular comment for the member from B.C. is this. I have an article here from *Straight Talk* of September 30, 2004. In it, the Hon. Geoff Plant from British Columbia states:

—the minister of justice [then Martin Cauchon] threatened to cut off \$6.5 million in support funding for the Air India case if we [British Columbia] maintained our position with respect to funding immigration-and-refugee legal aid.

Why would the government shamefully tie Air-India investigation funding or the Air-India investigation to something completely different?

I would like to ask the member, if he has the audacity, to state how the government dared to use the Air-India bombing investigation funding as leverage to have the British Columbia government cave in to its demand, which was tied into the immigration and refugee legal aid funding.

**Hon. Stephen Owen:** Mr. Speaker, I certainly was not party to any conversation that might be quoted in whatever this publication is. I have not heard of *Straight Talk*, but it certainly sounds like a very strange publication and situation.

I can assure the House that it simply would not happen for this government to tie up funding for an Air-India prosecution, which I must say has been one of the longest trials in Canadian history, if not the longest, and certainly the most expensive.

Notwithstanding that the administration of justice and criminal justice are the responsibility of the provinces and therefore their financial responsibility to fund, this government has contributed over \$23 million to that prosecution. That was not out of any obligation. It was out of a concern that every resource be available to ensure that justice was achieved in this case to the greatest extent possible.

In terms of funding, this government has gone out of its way and beyond its responsibilities in terms of the administration of justice to ensure that the resources were available, and not only resources for the administration of the criminal trial itself, but it also has taken 100% responsibility for paying for victim services, for victims to attend the trial and to receive other services related to this tragedy. That of course is only the beginning of what the Deputy Prime Minister is suggesting will be done with and on behalf of the victims of the Air-India tragedy.

• (1600)

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, I will be splitting my time with the member for Nanaimo—Alberni.



I rise today in support of the Conservative sponsored motion calling on the government for an independent judicial inquiry into the investigation of the Air-India bombing on June 23, 1985. I do so in memory of the 329 victims of the worst terrorist attack in Canadian history.

The Minister of Public Safety and Emergency Preparedness, upon learning of the verdict, dismissed having an inquiry, concluding that there are questions that will just never be answered. These are questions such as why CSIS erased tapes containing vital information; questions like what role, if any, certain Indian diplomats who were apparently Indian intelligence agents in Canada played before the Air-India bombing; questions like why it has taken 20 years for a verdict of not guilty to be handed out.

I stood in the House in June 2003 and asked the then solicitor general if he could put an end to the 10-year wait for justice to be served and immediately initiate a royal commission of inquiry. I prefaced my question by reminding the solicitor general that in 1993 the then leader of the official opposition, Jean Chrétien, promised that the Liberals would “continue to press the government to create a royal commission to look into the Air-India disaster”. Another promise made, another promise broken, even though it was the last government.

I reminded the solicitor general that 10 years had elapsed since that promise had been made and Mr. Chrétien's Liberal government had been in power and for as long as he had been in there, that promise remained still to be fulfilled. Surprise, surprise, still the promise has not been kept.

The solicitor general on that day responded to my question by saying “even if we want to do a public inquiry, it would be inappropriate while the court case is going on”. Then he went on to say, “However, I would refer the hon. member to the annual report of the Security Intelligence Review Committee of 1991-92 which reviewed it extensively”. I countered in that debate by saying, “of the 329 people killed on Air-India flight 182, 280 were Canadians, 80 of whom were children, yet both the previous administration and the government refused to initiate a commission of inquiry”. I said, “Recent allegations only serve to remind us that Canadians and the rest of the world deserve to know exactly what transpired on or before the June 23, 1985 disaster. Will the solicitor general immediately initiate that commission of inquiry?”

My question once again met with resistance from the solicitor general who asserted that everything CSIS did in respect of Air-India “was done properly” as concluded by SIRC. The solicitor general's assertion and SIRC's findings were, however, vehemently contradicted by statements of the assistant commissioner of the Air-India task force, RCMP officer Gary Bass.

While SIRC concluded that CSIS's erasing of the wiretaps did not result in a loss of evidence, RCMP officer Bass contended just the opposite. The assistant commissioner of the Air-India task force stated, “The gross inaccuracy of the SIRC review report will be immediately evidenced to anyone who reads it”. Mr. Bass also contradicted the conclusion of the SIRC report that CSIS's actions did not lead to the loss of any evidence.

### Supply

I would like to quote from a June 10, 2003 *Globe and Mail* article regarding the assistant commissioner's statement, which I referenced when I questioned the solicitor general on that occasion:

“If, in fact, someone in the RCMP made the statement there were no intercepts of evidentiary value, they were clearly wrong,” he said.

He challenged SIRC on the credibility of the investigation into whether the government of India had any involvement in the bombings.

The SIRC report stated that CSIS passed the issue to the RCMP to investigate and the RCMP determined that allegation was without foundation.

● (1605)

The article went on to state:

“The truth of the matter is that the RCMP never thoroughly investigated the issue, which means that apparently no one did,” Mr. Bass said.

Mr. Bass reportedly went on to say:

If a public inquiry were appointed into the investigations of the Air-India disaster, CSIS and, to a lesser extent, the RCMP will be subject to “severe criticism”. The fact that some part of the criticism will be with the benefit of hindsight will not soften the blow to any great extent.

Again I suggested to the solicitor general that he finally admit that SIRC's findings were wrong and that he initiate a full public inquiry into the Air-India disaster and the ensuing investigation, as strongly suggested by the RCMP assistant commissioner responsible for the Air-India task force. Again the answer from the solicitor general was a strong no.

I would like to remind those members who have been here since 1995, especially the Liberal members, that in 1995 the then Liberal member for York South—Weston, John Nunziata, moved a motion in this House asking the government to immediately take steps to initiate a royal commission of inquiry into the Air-India disaster.

During this debate, Val Meredith, one of our colleagues who was from Surrey—White Rock—South Langley, pointed out that on April 4, 1995 the then commissioner of the RCMP, Phil Murray, appeared at the standing committee on justice and legal affairs. When asked by Ms. Meredith whether he was opposed to a judicial inquiry, he stated this:

We are not at all opposed to having a judicial inquiry. Our only concern was to undertake the judicial inquiry while the investigation was still active.... I have made a commitment to the Solicitor General that when we reach a point where we feel that we are at an impasse, I will at that time come forward and indicate so.

Former solicitor general Herb Gray confirmed the commissioner's commitment by saying:

It is not considered appropriate to have a commission of inquiry while there is an active investigation. However, the commissioner has confirmed to me that if there is an impasse in the investigation I will be informed. I want to assure my hon. friend that if there is such an impasse I will immediately discuss this matter further with the Prime Minister.

Unfortunately the former RCMP commissioner and the Right Hon. Herb Gray retired many years ago and therefore were never able to make good on their commitments. There are ministers and solicitors general who could pick up this very appropriate promise and deliver on it but they refuse to do so.

Also during the debate on Mr. Nunziata's motion, the former member for Vancouver East, Liberal member Anna Terrana, said:

### Supply

We need a royal commission because if a train full of Canadians on Canadian territory were blown up we would find immediate justice. These Canadians cannot be brought back. We must find justice for them because they are silent....In this tragic instance when no justice seems to have been served, when we value ourselves as those who speak about justice and human rights, we have to intercede on behalf of those who cannot speak.

That is what the Liberal member said at that time, that we must intercede. I agree with her, as everyone in this House should. She spoke about the victims. She spoke about apprehending the perpetrators of those and bringing them to justice.

I heard the Minister of Public Safety today. She talked about closure. She talked about bringing closure to the victims, but she did not talk about justice. She did not talk about making sure that justice was served. How can there be closure without justice? How can these victims have closure without justice?

Today in the House the Minister of Public Safety announced that she would seek independent advice from an eminent person before determining whether or not an inquiry was needed, meaning she has totally ignored the wisdom and reasoned advice from former Liberal members such as I have quoted. She has ignored the promise of her former boss, Jean Chrétien. She has ignored 61% of British Columbians who believe a public inquiry should be held.

● (1610)

The minister is ignoring her former cabinet colleague, Herb Dhaliwal, who bravely broke ranks with his party and agreed with our call for an independent public inquiry. As the leader of the official opposition pointed out:

Disturbingly, [Herb Dhaliwal] even suggests that [the Minister of Public Safety's] refusal of an inquiry results from RCMP and CSIS pressure.

The Deputy Prime Minister and Minister of Public Safety is very disrespectful, ignoring the opinion of this House, because she says she is moving regardless of what the House says.

In closing, I would implore all members to support this motion. Let us bring closure. Let us find justice. Let us answer questions.

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Mr. Speaker, we are having a debate on a motion brought forward by the Conservative Party regarding a very tragic event, Canada's worst disaster and worst act of terrorism that was ever perpetrated here. For the sake of anyone who might have just come in, I will just review some of the facts of the case.

It was June 23, 1985 that Air-India flight 182 exploded off the coast of Ireland killing all 329 people on board. The majority of the victims were Canadian. Less than an hour earlier another bomb had exploded at Narita airport in Tokyo, killing two baggage handlers.

Over the next 15 years the investigation languished. The very most the police were able to manage was the 1991 conviction of Inderjit Singh Reyat related to the Narita bombing case. Reyat served about 10 years for manslaughter in the deaths of the two baggage handlers. He has maintained his innocence.

In October 2000, charges were laid against two B.C. men, Ajaib Singh Bagri and businessman Ripudaman Singh Malik, one from Kamloops and the other from Vancouver.

On June 4, 2001 the British government agreed to allow the Canadian authorities to charge Reyat in connection with the

bombing. As a British citizen already extradited to Canada for his trial on the Narita charge, Britain had to agree. Seven new charges were laid.

Amazingly, on February 10 there was a dramatic turn of events. Reyat changed his story and he pleaded guilty to one count, to the construction of a bomb. All other charges against him, including the murder of 329 people, were stayed. He was sentenced to five years in jail for his role.

There was a recent case in British Columbia where a woman who defrauded ICBC received a five-year jail sentence. It is quite surprising to think that for the largest terrorist act in Canada's history, and at the time it was committed, before 9/11, I believe it was the largest in the entire world, he would receive a five-year sentence for his part in that crime.

Even worse, this story is an embarrassment to Canada in front of the whole world. It is a tragedy for the families in British Columbia who lost family members. Three hundred twenty-nine people, most of them Canadians and over 80 of them children, perished. Tapes of conversations were somehow erased by CSIS. There is a bungled investigation. A millionaire is involved in this case. There has been intimidation of witnesses. There are people who for many years have been under police protection, not able to live in their own communities.

After all of this, after 20 years and \$130 million investigating, we have no satisfaction. Justice has not been served and we are left with a lot of questions.

I find it somewhat troubling. A report that came out caused a whole bunch of the defence legal team to quit. In July 2002, Air-India lawyers quit over billings made by the accused's children; the children admitted charging for work not done.

Most Canadians wonder, I know people in my own riding wonder, and I am sure people who lost family members wonder how it is possible in this country that family members of the accused, Mr. Reyat's 26-year-old son Didar and his 18-year-old daughter Prit, respectively billed the government for many hundreds of hours of work for a total of \$11,000. In essence, the defence finally admitted that the numbers were fraudulent and they had about doubled the number of hours they had actually worked. They were fraudulent billings. Why is the family of the defence working for the defence anyway? That was for some translation work.

Further, the pair, as well as another Reyat daughter who was briefly working for the defence team, billed the government about \$56,000. In the end, some of the lawyers were so frustrated by this that they actually quit the defence team.

● (1615)

What is going on? Canadians are wondering what is going on in our legal system. It is worse than the keystone cops.

Then we found out that Mr. Bagri's son-in-law Jaswinder Singh Parmar and his daughter were receiving at least \$12,000 a month for computer services in a contract that was not tendered. Contracts were not tendered. The pair had reportedly been paid in excess of \$200,000 back in 2002.

What is going on when families of the accused make huge amounts of money, taxpayers' money I might add, and benefit from a crime that their family was accused of committing? What is going on? There are a lot of troubling aspects to this case.

When the Liberals were in opposition, they called for an inquiry. The Prime Minister has repeatedly stated that the hearts and prayers of the government are with the families, but the families need more than that. They need more than sympathy and a pat on the back. They need the government to take some action.

The entire credibility of our judicial system, our police and security forces has been questioned by these tragic events. Canadians have lost confidence in our judicial system. This was an expensive trial. It cost \$7 million for a new courtroom to accommodate the trial.

The very confidence of Canadians in our judicial system is on the line. What has it become? When we have a difficult trial, does it become a cash cow for the legal profession to expunge as much money as it can out of taxpayers in terms of looking for a result? I do not know. People are asking me questions like this. I wonder what is going on in a case like this. A lot of serious questions have come out of this event.

The Deputy Prime Minister responded by saying that she is willing to sit down and talk to the families, but the families are looking for something deeper than that. They do not want condolences and a feel good pat on the back. They would like some answers as to what happened. They would like to know why in this country, in a modern democracy, in a modern time of evidence gathering, we were not able to bring the perpetrators of a crime of this magnitude to justice. How could we have such a colossal failure with the RCMP and CSIS? That really needs to be fixed.

All Canadians have an interest in this, not just the families. We need to stand with the families and say this is not right in Canada. This is not acceptable. We need to stand with the families and get to the bottom of this even if it is ugly. It has to be fixed.

The only way to fix it is to go along with an inquiry that the Liberals were in favour of more than 10 years ago when they were in opposition. When the Right Hon. Herb Gray was justice minister in 1994, he spoke to the issue as the new justice minister after the Liberal Party victory in 1993. He wanted to keep the idea of an inquiry alive.

After all this time Canadians are looking for answers. They want real solutions to come out of this. This appears to be like so many other government programs that seem to be geared toward illusion around here, whether it is the gun registry that has secondary gain for the government, or a sponsorship program that is supposed to be establishing national unity but actually turned out to be doing the opposite. There are so many government programs that are illusions.

After 20 years of being promised an inquiry and having gone through a very expensive court trial, and coming up with basically

### *Supply*

nothing, bankrupt, Canadians have an interest in finding out why there was this colossal failure. They want to get to the bottom of it. The families have a right to justice and satisfaction. They have been victimized.

I join with my colleagues in the Conservative Party in calling for a full inquiry into the Air-India disaster.

• (1620)

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, I have a question for the member for Nanaimo—Alberni. Earlier this afternoon I spoke to his colleague, the member for Newton—North Delta, the sponsor of the motion we are debating today, and asked if he would accept an amendment. I must have his concurrence to accept an amendment. He told me that he would not give me that concurrence. There is still a bit of time left in the debate, so I will go through the amendment very quickly and maybe the member could speak to his colleague.

The amendment states: "That the motion be amended by deleting all of the words after the word 'That' and by substituting the following: Whereas the bombing of Air-India flight 182 on June 23, 1985 resulted in the deaths of 329 people; Whereas the Air-India bombing was the largest mass murder and terrorist act in Canadian history; Whereas the number of inquiries and civil and criminal processes have been undertaken...; Whereas there is a motion before the House calling for an '...independent judicial inquiry into the investigation of the Air-India bombing...'; Whereas the appeal period flowing from the Malik and Bagri judgment has not expired; Whereas there are a range of views as to whether there are outstanding questions of public interest which remain unanswered; If the British Columbia Attorney General decides not to appeal the Malik and Bagri judgment, this House recommends that an independent eminent person be appointed by the Minister of Public Safety and Emergency Preparedness to consult with family members of the Air-India victims and others, and advise on what outstanding questions of public interest remain which could be answered today".

In the spirit of the democratic process and in the spirit of cooperation, if we are looking for substantive answers to these questions, I wonder if the member for Nanaimo—Alberni would try to track down the member for Newton—North Delta to see if he would reconsider and accept this amendment, so we could debate it in the chamber and vote on it.

**Mr. James Lunney:** Mr. Speaker, I thank the member for again raising this issue on behalf of the government.

It would have to be a special person to visit the families, stroke them on their backs, pat them on their hands and tell them it is okay, one person for the most colossal failure in our police and security investigations and in our judicial system. With 329 people dead and no answers, I do not think a single person is going to satisfy the families. Like so many other things that go through the House at times, they are done to actually make people feel good and to look like something is being done.

### Supply

The Deputy Minister offered earlier to sit down with the families and said she would like to be the special person. If we were to have a special person, I am sure it would be very nice if she had the time to sit down in their living rooms, pat them on the hand, and say we are sorry it happened. However, this was a disaster. It was a colossal failure. It is an international embarrassment to this country.

There are issues that have to be addressed and fixed. I am afraid that actually appointing someone for a feel good exercise is not going to be sufficient. I stand with the call. The member had his answer earlier and I am surprised he would expect a different one at this time.

● (1625)

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Mr. Speaker, we are taking this matter very seriously. For that reason I would like to read the motion again, so that people understand the seriousness of it, those who may not be fully apprised of why we are taking this so seriously. It states:

That, in light of the fact that Air India bombing was the largest mass murder and terrorist act in Canadian history, and evidence that errors were committed by the investigative agencies involved, this House calls for an independent judicial inquiry into the investigation of the Air India bombing of June 23, 1985.

That is the compelling reason why we are asking for this inquiry. The disaster itself took place 20 years ago. It was the single worst terrorist act to affect Canadian citizens in the history of our nation. We must dwell on that for a second, the worst terrorist act in our history. Justice delayed is justice denied.

There is an old proverb that also says that justice delayed makes the heart grow cold. The hearts of the family members have not grown cold in this case. As Canadians are reminded about the details, their hearts are not cold either.

As a matter of fact, as people are reminded of what happened, their hearts link with the hearts of the family members in terms of looking at what happened. Any crime of this nature and any time someone is killed of course, that is serious. There is no measure in terms of how serious the impact is upon an individual's life. The impact on our entire society of a terrorist act of this nature must never be diminished.

We need to remind Canadians and ourselves that serious questions have been raised about this particular investigation that took place into the bombing. We need to remember and go back, and recall that fateful day, June 23, 1985, when Air-India flight 182 exploded off the coast of Ireland. There were 329 people blown into eternity. The majority of the victims were Canadians.

Less than an hour after that, another bomb exploded in the Tokyo Narita airport. There were two employees killed there. Then, as we watched for the next 15 years the Air-India investigation itself seemed to go in fits and starts. There were so many questions being raised and people saying "where is it" and "why does it seem to be stopping, now it is starting, and now it is going over here and now it is going over there".

There was nothing really done, with the notable exception that in 1991 a man by the name of Inderjit Singh Reyat was convicted in the Narita bombing case. Police presented evidence linking the

components of the bomb found in Tokyo with items that Reyat had purchased and the investigation began there.

The result of that was that Reyat was convicted. He served 10 years for manslaughter in the deaths of the two baggage handlers. That alone at the time caused a lot of questions among citizens. He received 10 years for manslaughter for the deaths of two baggage handlers in an airport.

However, in October 2000 charges were then laid against the Sikh cleric Ajaib Singh Bagri and millionaire businessman Ripudaman Singh Malik. They were charged with murder or attempted murder and conspiracy.

Then, on June 4, 2001, the British government allowed Canadian authorities to charge Inderjit Singh Reyat in connection with this bombing. The British courts had to approve extradition and all that sort of thing unfolded. Then the RCMP formally arrested Mr. Reyat on seven new charges, including murder, attempted murder, conspiracy in the Air-India bombing, and the explosion at Tokyo's Narita airport.

● (1630)

On February 10, 2003, all of a sudden Mr. Reyat changed his story. The result of that was that he pleaded guilty to one count of manslaughter and a charge of aiding in the construction of a bomb. All the other charges against him, including the murder of 329 people, were stayed and he was sentenced to five years in jail. These are astonishing facts.

On April 28, 2003, the trial of Ripudaman Singh Malik and Ajaib Singh Bagri began and wound on for almost 20 months.

Why an inquiry? It would seem obvious. My colleagues have pointed out some very strange things that have resulted in the course of the trial and in the course of the investigation about payments made to certain individuals. I also would like to point out that there have been allegations of the RCMP and CSIS making some serious errors in the investigation and the government's lack of action in the face of what seemed to be a clear and apparent knowledge of impending attacks by extremists and knowledge of the perpetrators themselves.

This has been the longest, the most complicated and the most expensive investigation in Canadian history with costs of over \$130 million. The process has been slow for everybody, especially for the family members of these victims. There has been one problem after another and strange things have happened.

One of the RCMP's key suspects, Talwinder Singh Parmar, died in 1992 under somewhat strange circumstances. It was apparently the result of an alleged gun battle with Indian police. Defence counsel forced the trial itself to be postponed twice. Some of the witnesses cannot even live among their own people because they are in the witness protection program. Reporters covering the story were harassed and some even had death threats issued against them.

I happen to agree with the families of the victims who say that the only way for this problem to be rectified and, in fact, to avoid a similar tragedy, is to convene an inquiry.

*Supply*

The public safety minister made an interesting comment, one of course with which I do not agree. How could the minister say that she would have to be convinced that there is anything to be gained from an inquiry? I find the statement astonishing. It should be able to stand on its own as one that causes wonder. How could something not be gained by looking into this disaster?

The scope of the inquiry would be a lot broader than simply the criminal evidence that was brought forward at the trial. With an inquiry, we could get a full review of the investigation itself and the many questions that need to be asked about the proceedings could be asked.

This is not a mere partisan effort and partisan request. Many Canadian citizens and, of course, the victims' families want and support an inquiry. Government members and cabinet members have expressed concern or a request for an inquiry, breaking ranks with their official party position.

The federal Minister of Health, who at one time was the attorney general in B.C., has not ruled out an inquiry. As a matter of fact he said, "Let us await the outcome of any appeal or appeals, and once that's exhausted, if it would serve a useful purpose, we will certainly take a look at it". A useful purpose would be served. Justice would be served by taking a look at this.

He is not the only government member making this request. The Liberal MP for Edmonton—Mill Woods—Beaumont actually wrote a book entitled *Betrayal: The Spy Canada Abandoned*. The book talks about links between a Canadian spy and an Indian plot for a second terrorist bombing. Just last week that Liberal member told the *Hill Times* that the government should definitely hold a public inquiry.

• (1635)

The Liberal senator, Mobina Jaffer, also spoke about this. In a CP wire story of March 23, 2005, she told her own government, "Do the right thing. Launch a public inquiry so that all Canadians can know how and why justice has failed to convict those responsible after so long".

Those are present government members. A former Liberal minister, Herb Dhaliwal, has been very strong and outspoken about this. He has said that "it would be a betrayal of years old Liberal promises if the government refused to hold an inquiry".

Mr. Dhaliwal said it correctly when he said that Liberals would be breaking a promise that dated all the way back into the eighties if they failed to hold an inquiry. One of the people he referenced was the former Liberal Leader, John Turner, who stood in the House in 1988 and said that there must be a royal commission to look into this disaster.

Another former Liberal cabinet minister, solicitor general Herb Gray, who was well respected by everyone, said, as recently as 1994, after the Liberals took office, "I would like to keep the idea of a royal commission under consideration". When the Liberals were in opposition they were asking for this and, as we can see, the cabinet ministers continued to ask for it after they took office. Mr. Gray was responding to a question from his colleague, the Toronto Liberal MP, John Nunziata, who was asking for a public inquiry at that time.

There are many compelling reasons to start a public inquiry but no reason to refuse one. Money cannot be the issue because \$130 million has already been spent on this. Three hundred and twenty-nine people lost their lives.

It is not just the families of the victims who need answers. Canadians need answers to this. As we have heard today in the House, MPs from all sides of the House are asking for the inquiry.

It was the worst act of terrorism in our history and the most expensive trial in our history. Justice must be seen to have been done and justice is not seen to have been done. There has to be an inquiry for all the reasons I have stated and for another important reason. Terrorist groups are active around the world. We know that there are terrorist associations right here in Canada. The Auditor General came out very recently with chilling reports of the holes in our security network. She has really blown the whistle on this.

We cannot send the message to the victims' families and our own citizens that we will allow this to just fall off the shelf and disappear. We also cannot allow a message to go out to the terrorist associations in Canada and around the world that they can get away with murdering 329 Canadians. That is a message that we cannot afford to get out. The evil people of any terrorist network must know that we will never stop and that the hunt will always continue until the perpetrators are tracked down and brought to justice.

Canadians need to hear that message, the families need to hear that message and the terrorist networks need to hear that message. We need to do this. I implore the members of the government to agree with us and see this inquiry go ahead.

**The Deputy Speaker:** Order, please, It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Bruce—Grey—Owen Sound, Agriculture.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I again wish to express the support of our party for this motion and the pride with which I saw our leader stand today and second this most important motion.

I come from the northwest of British Columbia and in Skeena—Bulkley Valley there are a number of very strong Sikh families in our communities who have raised with me huge concerns when this decision first came down, but not so much for the decision that had come down, whether it be right or wrong, which was for the justices to see, but for the process which we had seen over the 20 years prior and the allegations of misspent money, missing documents and erased tapes.

It has been suggested by the government that the only reason that we are seeking this inquiry is to embarrass the government and that our support of this motion is partisan in nature, rather than seeking the truth to actually allow for some closure for these families.

I wonder if the member could comment as to, first, whether this is true in terms of the motivation; and, second, whether it is some fear that the Liberals have suddenly arrived at with respect to the effectiveness of inquiries as we have been seeing in Ottawa and Montreal through Justice Gomery's inquiry.

*Supply*

• (1640)

**Mr. Stockwell Day:** Mr. Speaker, my colleague has raised an important issue and we realize that this is not a partisan issue. The Conservatives have the full endorsement of members of the NDP and their leader and, as we have quoted, Liberal members past and present. This issue is too important to be dismissed as a partisan effort.

My constituency has a very significant Sikh community. These are proud people who offer much and provide much to the community in everything they do and say. Many of them are friends of mine, and I am proud to work with them and be identified with them. It is very important that no one has seen this as a negative indication in any way to a broad community. In fact, it is members of the Sikh community, certainly in my constituency, in my colleagues' constituencies and around British Columbia, who have said that they want to see this happen. They also want to see justice done. We are linked arm in arm and we stand shoulder to shoulder with members of the Sikh community in wanting to see justice done.

**Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.):** Mr. Speaker, I agree with the member that this is not a partisan matter. It is a tragedy. It is a tragedy when we see the lives that were lost and that justice was not resolved fully. It is a tragedy if Canadians do not have confidence that the system has been repaired.

Not being an expert on this question, does the member not see any other measures or other ways that we could give Canadians that confidence without risking making public all the workings that are necessary? Maybe some have to be kept secret, such as the workings of CSIS or the RCMP in matters like these, but it is important that Canadians be confident that such a double tragedy will not be repeated, but that if something of that nature were ever to happen again, and hopefully it never will, that justice will be followed through and successfully arrived at.

**Mr. Stockwell Day:** Mr. Speaker, I will take my colleague's question as sincere and, in a word, say no, there is no other fitting vehicle by which an investigation of this nature could drive forward. I know there has been an amendment offered from the other side that one person be appointed to do something but that simply would not provide the scope or recognize the weight and seriousness of the matter.

In terms of security issues being revealed, there are always ways and means at which an inquiry, if there were an appeal from either CSIS or the RCMP for certain segments of information to be withheld, can look at that on a very specific and narrow basis to make a determination if in fact national security were at stake if certain pieces of information were revealed. However, from a broad question, no, unfortunately, in our view there is no other way to pursue this matter or to see justice.

• (1645)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I am pleased to speak in support of the motion today. My riding of Nanaimo—Cowichan has a very large Sikh community. It is important that the House support the motion.

The motion before us states:

That, in light of the fact that the Air India bombing was the largest mass murder and terrorist act in Canadian history, and evidence that errors were committed by the investigative agencies involved, this House calls for an independent judicial inquiry into the investigation of the Air India bombing of June 23, 1985.

This motion is an example of how this minority government can work. It is an example of how we can pull together and support an issue that is important for our country.

Although the Deputy Prime Minister announced today that, pending an appeal by the province of British Columbia, she would organize an independent review of the facts around the case, the NDP is calling on the House to support the motion calling for an investigation into the Air-India bombing and not wait for any further delays. That is what is great about a minority Parliament. The opposition can push the government to act on areas of concern to the whole community.

It has been 20 years since the Air-India bombing. In the four years since September 11, the U.S. has managed to conduct and complete many independent reviews of the events surrounding that tragedy. However, on our front, this long wait for an Air-India inquiry has been a disservice to the families who lost loved ones during the tragedy and a disservice to all Canadians who waited to learn how our own agencies dropped the ball, not just on that day in 1985, but in the days since when important evidence for the hearings of Malik and Bagri were lost. That is shameful.

Our leader, the member for Toronto—Danforth, has said that no other democratic government in the world would leave questions unanswered about what happened and why. Three hundred and thirty-one innocent people were killed and no answers, no justice, no assurances about what needs to change so that it does not happen again. It is absolutely shameful that so many people have waited so long to have some justice.

My thanks go out to the website *Mapleleafweb* which explains in great detail the reasons why public inquiries are helpful. I would like to mention some of these reasons so we have them on record.

There are several reasons the government may prefer to call a public inquiry instead of a parliamentary inquiry or a task force.

First, unlike a court of law or police investigation, which is concerned solely with establishing wrongdoing, a public inquiry can investigate the underlying causes of a tragedy or controversial event to help prevent it from happening again.

Second, public inquiries are perceived as being independent from government interference. While this may not be entirely true, they are generally more independent and less partisan than parliamentary inquiries.

Third, the government can appoint individuals to sit on an inquiry who have more expertise on the topic and more time to study the issue than sitting members of Parliament.

Fourth, the public may view a report written by federal public servants as biased in favour of the government, even if this is not the case.

Fifth, because of its independence and openness, a public inquiry is a good way for the government to reassure voters that it is taking concrete action on a controversial issue. For example, public pressure forced the federal government to reverse its original decision and hold a full public inquiry into the deportation and detention of Maher Arar.

Finally, public inquiries have more power when it comes to gathering evidence than other types of investigations.

All this information is available on Mapleleafweb.

Despite their independence, governments maintain some control over public inquiries. The government frequently includes a deadline for completing an inquiry in its terms of reference. The government can shut down an inquiry that is past its deadline or is not getting results. I thought that was an excellent, plain language explanation of a few of the reasons that the public would want the government to hold an inquiry.

It is very clear that the public wants this inquiry. We hear that from people all over the country. There are many questions the public wants answered. The public wants reassurance that our systems are working, that we have considered the risks and are taking appropriate action.

• (1650)

It is somehow appropriate that the Auditor General reported this week about our national security programs. It fits right into what we are talking about in terms of the Air-India bombing. I would like to remind the House of some of the highlights from that report.

More than \$1 billion in federal expenditures are spent in security and intelligence activities each year. These activities remain secret. The Auditor General emphasized that Parliament should scrutinize the spending and performance of these activities, but she pointed out the difficulty of doing so because of the secrecy around some files and issues. She said that she was pleased by the government's announcement of the creation of a new national security committee as a parliamentary oversight body for the security and intelligence agencies.

In the second part of the report by the Auditor General on the federal government's anti-terrorism initiative announced in the 2001 budget after September 11, 2001, some of the major findings around our transportation links show why an investigation into the Air-India bombing is still relevant today. For air transportation, there is no comprehensive assessment of key risks or any measuring of the likelihood or potential impact of specific threats.

Transport Canada has only one security performance measure in place, and it does not analyze the overall effectiveness of its security system.

Under marine security, our system of high frequency surface wave radar does not operate to its full range under certain conditions. The example the Auditor General gave was nighttime, which is pretty scary since in our country half the year is spent in nighttime. This is a major problem if we have systems that do not function in the dark. It also does not work well with meteorological disturbances and in heavy seas. Canada is well known for both of these events and we can well attest to that on the west coast. National Defence has not yet

### *Supply*

obtained a permanent licence from Industry Canada to even operate the system.

The Auditor General also has a lot to say about federal emergency preparedness. She notes that the national emergency coordination currently suffers both from the absence of an effective federal-provincial-territorial governance regime and from the absence of commonly agreed standards and priorities for the national emergency system.

The CBRN, which stands for chemical biological radiological or nuclear threats, research and technology initiative estimated that about 6,000 first responders should be trained in how to intervene and neutralize a serious event. The Auditor General found that 200 people had been trained so far. It does not sound like nearly enough.

She urged the government to finish drafting the revisions to the Emergency Preparedness Act and to finalize the definitions of the minister's powers and responsibilities.

The Auditor General also complained about the lack of creation of emergency medical teams. In December 2001, Health Canada was allocated \$501,000 to develop health emergency response teams, but it did not happen. In January 2003, \$626,000 was allocated annually to Health Canada to train health care workers in the prevention and treatment of smallpox. Such a team has never been established to date and it is urgent that we get on this matter.

The Auditor General examined four areas related to the passport offices. Under security and identity verification she found that domestic examiners at the passport office were well trained, however, the examiners working in missions lacked the training necessary for such a verification task.

Under service to the public, although the key services standards exist in the passport offices, there are gaps. The costs have risen significantly and the passport office is unable to forecast and influence demand placed on it due to the burden of the services that are required in these offices.

The passport office does not meet the required management principles and practices. The Auditor General recommended that the passport office should review its risk management practices, examine its delivery methods and develop and report additional service standards.

Her main points were that the passport office was struggling to balance and meet security expectations and demand for service. The passport office could not effectively authenticate an applicant's identity and its watch lists were deficient. The passport office needed to perform a comprehensive risk assessment of all its operations and prepare an action plan.

*Supply*

• (1655)

It is clear from the list of deficiencies that the Auditor General found, the second examination since 2001, that we need to push the government to move on these important issues. Too often the measures this government takes do not deal with the systemic problems with our procedures but with the surface. Take, for example, the no-fly lists.

Shahid Mahmood was flying from Toronto to Victoria when he hit a wall in Vancouver. The ticket agents there would not let the cartoonist onto a connecting flight. They said he had been flagged for reasons unknown and would need a passport to fly on. He was not carrying one. He is a Canadian. He does not need to carry a passport to fly within his own country.

The NDP cannot help but wonder if Mahmood's bind had anything to do with his Pakistani roots. Authorities will not say. However, Mahmood wonders if he is on a blacklist. The transport minister has since revealed that Canada is building no-fly lists to ground suspected terrorists. Could authorities use these lists to discriminate against Canadians based on their colour, ethnicity or religion?

A leaked Justice Department report says that racial profiling by police and security services, while sometimes unconscious, is already a pressing issue.

Will preventing Canadians from moving freely around our country do anything to improve our security? It seems highly unlikely. I do think a public inquiry into the largest security lapse would help define strategies that would make a difference so we are never again talking about a circumstance like the Air-India bombing.

It is well past time for this government to take action and to ensure that justice is heard for all the families and loved ones of the people who were victims of the Air-India bombing.

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, I would like to get a comment from the NDP member. I have been listening to the government's responses about all the money it has been spending on security, how it has learned its lesson from Air-India, how it has all these measures in place and everybody should rest assured that we will not have those kind of problems any more.

However, the point of the whole matter is the government was elected in 1993. It was not until 2002 that it did anything in terms of passing anti-terrorism legislation, which was basically modelled on the British model that had been in place with the Irish problem. It had been around for ages. It was the September 11 event that forced the government's hand to finally take steps to deal with it. All of the things the government has been talking about in the House, such as the measures it has in place to prevent this, have only occurred post-September 11. From 1993 to 2002, from what I can see, the government did nothing legislatively to deal with the terrorism problem.

It is not exactly correct for the government to say that it has done a lot in response to the Air-India crisis. It really has done very little on it. I would appreciate receiving any comment from the NDP member on that.

**Ms. Jean Crowder:** Mr. Speaker, I think it is incumbent upon us to point out that we have had 20 years to deal with the fact that in 1985 a very serious tragedy happened. We have had 20 years to talk about putting systems and mechanisms in place to ensure this never happens again.

As we talk about terrorism, one point we really need to talk about is what our responsibility is as a country to get at the root of terrorism. We need to talk about poverty in the third world. We need to talk about trade implications that impact on people in the third world that cause them to not have the standards and quality of life.

There is a move afoot right now that talks about .07% of our GDP going for foreign aid. If we really want to talk about dealing with terrorism, we need to talk about those root causes that are forcing people into sometimes very desperate acts.

Our conversation needs to broaden. We need to have this investigation into the Air-India bombing. We need to talk about how we protect the safety and security in our country. We need to talk about getting at the root causes of terrorism.

• (1700)

**Mr. Peter Goldring (Edmonton East, CPC):** Mr. Speaker, I would like to ask the member opposite to expand on her answer a little more, because all of this has to make sense internationally sometime too.

We have a case that has taken 20 years. There has been some \$150 million expended on it. There have been 250 RCMP officers involved. When there are this many deaths on an international flight it defies credibility that we as a nation would have real credibility internationally when we devote one person to being an independent adviser to follow up on this massive amount of work. There must be literally truckloads of files and information to go through. I do not think we can have any credibility come out of that, nor any result internationally.

I agree with the member opposite that it is of absolute urgency and importance to have international credibility in regard to the results of this investigation. I would like the member to expand on that if she could.

**Ms. Jean Crowder:** Mr. Speaker, as I pointed out, there is some very good information around the area of why we would want to have an independent inquiry and why we would want to establish our credibility in the international framework.

What we really need here is decisive action with adequate resources. We must make sure that the person who would take on this independent inquiry and investigation would have access to all the materials that would be required to establish our credibility. It is absolutely essential that on the world stage we are seen as being able to conduct an inquiry which would actually end up with some results that would make some changes so this kind of tragedy would never happen again in Canada.

I think Canada has a role to play in brokering the kinds of investigations and whatnot that take a look at bringing in the key witnesses and the key people who would be able to inform the process and to make sure that we set up a mechanism to prevent any kind of tragedy like this in the future.



*Supply*

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Mr. Speaker, first of all I would like to thank all the members who have supported this motion so far. They have worked hard to push the government to call a public inquiry. I greatly appreciate their sympathy for the victims as well as for Canadians looking for justice and for measures to find out what went wrong with this massive investigation and how we can crack this whole situation.

I would also like to find out from this member if this incident could have been prevented if the government had done two things differently. It is also quite evident that there have been grave errors made by federal institutions such as CSIS and the RCMP and even by the federal government from time to time.

Does the member agree that such questions must be put to rest, for example, negligence by federal government agencies? Does the member agree that this also affects the reputation of these agencies and the reputation of Canada in the international arena? Does the member think there is any other solution, as the government is not coming forward to call an inquiry so far even though it has been nudged a little on this issue?

If there is no public inquiry, is there anything else that could be done to satisfy the situation and get to the bottom of the situation? We must find out what went wrong and how it can be corrected so that such a tragedy does not happen again.

**Ms. Jean Crowder:** Mr. Speaker, that is actually a very interesting point. There are two things that an investigation or inquiry would help us with. It would bring some degree of comfort to the victims' families and friends in that their pain and the resulting loss of their loved ones would actually be heard and there would be some justice meted out as a result of it. That is the most important piece: that the families and friends of the people killed in that bombing actually have some resolution and feel with some confidence that the situation will never be repeated in terms of the bungling and ineptness that has happened.

There is also a second piece that is really important. An investigation would help the Canadian public and help Canada on the international stage with rebuilding the confidence in our security and in police forces. Examining what went wrong, bringing it to light and airing it in an open, public and transparent way would help us put the mechanisms in place to prevent it. Those mechanisms would allow the public to say, "Yes, we do have faith in our police forces and our security services".

Getting the inquiry out into a public venue will not only bring justice to the families and loved ones impacted by this terrible tragedy, but it will also help Canadians have more confidence and faith in their system. I think it is absolutely essential that we get on with this investigation quickly and do not waste any more time. Twenty years is long enough for people to have to live with this without any resolution.

It is time for us to move on this. I urge all members of the House to support this very compassionate and compelling motion.

• (1705)

**Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.):** Mr. Speaker, I am pleased to rise to join colleagues in the government and oppose

this motion brought forward by the hon. member for Newton—North Delta.

As I said earlier, I tried to introduce an amendment, but because of the procedures of the House I had to have the consent of the member for Newton—North Delta and the Conservative Party to introduce it. That was denied, so I am not able to do introduce it.

I do not know if the Conservative Party is concerned that the amendment would pass in the House and its main motion would be defeated, or whether it is not really interested in substantive solutions to this very difficult situation. I do not know, but it is unfortunate. I think it was a good amendment. I think there would have been a good debate and a good vote. People would have had a choice. Nonetheless, there we are.

[*Translation*]

We appreciate the feelings of the families and their desire for answers.

[*English*]

**Mr. Gurmant Grewal:** Mr. Speaker, I rise on a point of order. I hate to interrupt the member during his speech, but I want to put the record straight. I did not give my consent for the amendment because it completely watered down the motion.

**The Acting Speaker (Mr. Marcel Proulx):** I am sorry, but that is more a point of debate than a point of order. We will resume debate with the hon. parliamentary secretary.

[*Translation*]

**Hon. Roy Cullen:** Mr. Speaker, as the Deputy Prime Minister has noted, she has made a commitment to meet with families of the victims very soon. As part of her meeting with families she has also said that she is willing to discuss with the families what questions need to be answered and how best to answer them.

[*English*]

For the present time, due process must run its course. This has been one of the longest and most complex trials in Canadian legal history. It lasted for almost two years, cost tens of millions of dollars and heard over 100 witnesses. The decision about an appeal of the court's verdict rests still with the province of British Columbia. This government awaits that decision.

With that behind us, we will be better able to see if there is merit in an inquiry 20 years later and what, if anything, it would reveal given the lengthy police investigations, two criminal trials and the various reviews that have already been held, notably on air transport safety and the role of security and intelligence in Canada. As well, I should note that there remains an ongoing RCMP investigation into this matter.

However, in continuing this debate, I wish to re-emphasize the exhaustive efforts that have been taken to attain justice in what was the worst ever aviation disaster over sea and the worst act of terrorism that has taken place against Canadians. As well, I want to take some time to outline some of the measures we have implemented since Air-India and since September 11 to ensure the safety of travel in our skies and the security of our citizens.

### Supply

A number of other activities have been undertaken since the crash of Air-India flight 182. These include various Canadian-led studies and analyses, trials, coroners' inquests, a commission undertaken by the Indian government, and a legal settlement for the victims. As well, there have been significant improvements to the Canadian public safety and security sector and legislative framework.

In September 1985 the interdepartmental committee on security and intelligence, headed by the intelligence and security coordinator of the Privy Council Office, Blair Seaborn, conducted a review of airline and airport security.

The Seaborn report, as members have already heard it called today, and I consider it worth repeating, resulted in a number of actions taken by Transport Canada to enhance the security of Canada's aviation system. These included the establishment of a restricted area access clearance program for area airport workers, rigorous background checks for airport workers, and the introduction of passenger baggage reconciliation on international flights.

As the Deputy Prime Minister has noted, the actions of the Canadian government have made Canada a leader among international efforts to combat terrorist threats in our skies and have provided a model adopted by other countries around the world.

In January 1986 the Canadian Aviation Safety Board made public a comprehensive report of its findings on the Air-India disaster. The report identified potential safety deficiencies, whether causal or not, and recommended appropriate corrective measures for implementation by regulatory and enforcement authorities. The bulk of its findings built on the Seaborn report and pertained to safety measures in Vancouver, Toronto and Mirabel, as well as a forensic analysis of recovered wreckage and expert discussion of potential causes for the tragedy.

Also in 1986, Indian Supreme Court Judge Kirpal presented an inquiry report. The findings and recommendations of the inquiry dealt with airline safety procedures such as aircraft design, baggage handling protocols and safety equipment. It made extensive recommendations pertaining to international aviation, security regulations and safety measures.

As well, in the post 9/11 world, this government has made considerable investments to strengthen aviation security. The 2001 budget invested \$7.7 billion over five years to fight terrorism and reinforce public security. This included over \$2 billion over five years for new aviation security initiatives such as the installation of explosives detection systems at Canadian airports, which would cover virtually all passengers travelling through our country.

We also placed armed RCMP officers on board selected domestic and international flights and provided \$35 million to help airlines improve their own security. Recently the government made further efforts to improve aviation security improvements by allocating an additional \$16 million over five years to develop systems to screen airline passenger information.

As members can see, the Government of Canada continues to work to keep our skies safe for airline passengers and crews, but our efforts also have gone beyond the field of aviation. In recent years, CSIS and the RCMP have improved their exchange of information and have moved forward with this and other investigations.

●(1710)

As well, the Canadian Security Intelligence Service has shifted its focus from cold war concerns to the threat of global terrorism.

The Deputy Prime Minister noted that this action has been strengthened through a memorandum of understanding between the RCMP and CSIS to establish this relationship and coordinate their respective roles in the country's national security agenda.

Budget 2001 recognized this vital relationship and committed \$1.6 billion to increase policing and intelligence efforts in fighting terrorism. Through this investment CSIS has expanded its investigative capacity by hiring more people as well as upgrading equipment and technology. The RCMP has also worked with its partners across the security community in the form of integrated national security enforcement teams in major Canadian cities.

[Translation]

As the government has noted, we have worked through the late 1980s and into the 1990s to implement new measures to enhance our national security. We introduced the Anti-terrorism Act and Public Safety Act to improve our ability to prevent terrorist attacks and to respond to identified threats, while always remembering the need to guard the values assured to Canadians under the Canadian Charter of Rights and Freedoms.

●(1715)

[English]

**The Acting Speaker (Mr. Marcel Proulx):** It being 5:15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Marcel Proulx):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Marcel Proulx):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Marcel Proulx):** In my opinion the yeas have it.

*And more than five members having risen:*

[Translation]

**The Acting Speaker (Mr. Marcel Proulx):** Pursuant to order made Wednesday, April 6, 2005, the recorded division stands deferred until Tuesday, April 12, 2005, at the expiry of the time provided for government orders.

*Private members' business*

[English]

**Hon. Karen Redman:** Mr. Speaker, I rise on a point of order. I believe if you seek it you will find unanimous consent to see the clock as 5:30 p.m.

**The Acting Speaker (Mr. Marcel Proulx):** Is there unanimous consent to see the clock as 5:30 p.m.?

**Some hon. members:** Agreed.

[Translation]

**The Acting Speaker (Mr. Marcel Proulx):** The House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[Translation]

### CANADA LABOUR CODE

The House resumed consideration from November 25 of the motion that Bill C-263, an act to amend the Canada Labour Code (replacement workers), be read the second time and referred to a committee.

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, I think you would find unanimous consent to amend the bill as follows:

That Bill C-263, in Clause 2, be amended by adding after line 12 on page 3 the following:

(2.9) The prohibitions set out in subsection 2.1 do not apply to

(a) a person employed as a manager, superintendent or foreman or as a representative of the employer in employer-employee relations; or

(b) a person serving as a director or officer of a corporation, unless the person has been designated to serve in that capacity for the person's employer by the employees or by a certified association.

[English]

**The Acting Speaker (Mr. Marcel Proulx):** Members have heard the terms of the amendment by the hon. member. Is there unanimous consent?

**Some hon. members:** Agreed.

(Amendment agreed to)

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the time has come for this minority Parliament to make good use of the opportunities for change that are before us. We must not let this moment pass us by.

Supporting Bill C-263 to amend the Canada Labour Code would allow every member of the House who votes in favour of the bill to look Canadian workers in the eye and know that this minority Parliament had achieved a real and substantive change which would improve the lives of those workers and their families.

● (1720)

[Translation]

I want to thank my hon. colleague from Louis-Hébert for introducing this private members' bill.

This is not the first time that such legislation has been introduced in the House. For years, the Liberals and Conservatives have failed to protect the rights of workers, preferring instead to put the interests of their business associates ahead of the interests of Canadian workers.

[English]

The NDP fully supports amending the Canada Labour Code. Striking workers under federal jurisdiction deserve to know that their jobs are protected when they exercise their legal right to strike. They deserve to be protected from the practice of insidious, humiliating strike breaking because, let us be honest with each other, the use of replacement workers, scabs, is just that. It is flat out strike breaking.

The use of replacement workers has an enormous negative impact on workers, families, communities and even employers. Labour disputes tend to be longer and more bitter. The collective bargaining process is undermined and we see a greater number of violent confrontations.

The practice of bringing in scab labour is a dangerous game that too often in the history of this country has actually prolonged strikes for many months and in some cases even years.

When replacement workers are brought in and they cross the picket lines and striking workers see busload after busload of these workers taking their jobs, as I witnessed myself in the early 1970s at the famous Artistic Woodwork strike, undercutting their very ability to bargain a fair deal, it does not bode well for a future of harmonious labour relations.

[Translation]

In 2002 and 2003, Vidéotron was exempted from legislation prohibiting the use of replacement workers in Quebec, because the company was subject to federal legislation. The strike affected 2,200 Vidéotron employees, lasted 10 months and cost 1,000 working days due to the use of replacement workers.

[English]

In Ontario, legislation to prevent the use of replacement workers no longer exists, thanks to the Conservative repeal of the NDP's bill 40. As a result, in Chatham in 2002 a security worker hired by International Truck, Navistar to ensure its ability to use replacement workers, drove over a picketer and injured four others. Opponents of the bill would have Canadians believe that striking workers are the bad guys and they paint employers as the victims. I visited Navistar and joined one of those picket lines and I can say that was far from the case.

[Translation]

I have been on many a picket line. I have met with striking workers to find out what their concerns were. I can tell you that these hard-working men and women are the ones who keep Canadian industry rolling.

They are not out to hurt their employer, far from it. When they are forced to take strike action, it is often to defend their right to equitable treatment. It is never a decision lightly taken.

*Private members' business*

[English]

And what of the men and women who cross picket lines and take up the jobs of those workers on strike? They are very often underpaid workers who are highly vulnerable. In many cases, like the men and women on the picket lines, they too are just trying to put food on the table. Too often they are exploited by their employers. In many cases they are not even told that they are being hired to replace striking workers.

It is wrong to pit worker against worker. The employers who practise such tactics do us all a disservice. The government must take action to stop such practices. In British Columbia, Quebec, and Ontario prior to the Mike Harris regime, already we have shown how legislation can be put in place to prevent the use of replacement workers. We find that the labour climate in those contexts is more amiable. Labour disputes tend to be shorter, the threat of violence is removed and there is greater mutual respect between labour and management. These are the facts; they are indisputable.

• (1725)

[Translation]

The federal government must set an example to all the provinces. In provinces where there is no legislation for protection against strikebreakers, workers' negotiating power is weakened and the ability of ordinary people to improve their working conditions is limited still more.

The federal government has a duty to foster a fair and equitable climate of work throughout the country. On the economic level, it makes complete sense for bargaining units to be able to meet on equal footing and for businesses to be able to avoid lengthy work stoppages and circumstances that create discord and bitterness.

Workers' organizations are important partners in building a prosperous and fair economy in the 21st century.

[English]

Supporting Bill C-263 is a long awaited and much needed measure that would demonstrate that the Government of Canada supports and believes in the workers' right to bargain for fair and equitable treatment without the threat of coercive tactics. It is time that this minority government worked for working Canadians.

**Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC):** Mr. Speaker, I am pleased to take part in this debate today, although I should not call it a debate. A two hour debate on a private member's bill of such importance does not do it justice.

The member who just spoke, as strongly as he feels about this, I think would agree with me that this issue is not something we can deal with in a two hour debate. It needs a lot more discussion and involvement by both sides.

Nobody in the House would dispute many of the points which my colleague raised, but there is always another side to a story. No one maybe in the country feels more for the working person than I do. I am sure I can say that for all members in the House. That is the reason why we are here.

We have to remember that in order for the ordinary common worker to work every day somebody has to initiate employment.

Somebody has to create the opportunities. Somebody has to put his or her money on the line to create employment. It is unfair to say that this is all one-sided.

Nobody would or should condone the abuse of workers by employers. Nobody should condone the slamming of doors if one does not agree with what workers are looking for and bringing in somebody else. To a large degree the laws of the land dictate that cannot or should not happen.

Within recent years, we have thoroughly, debated, discussed and researched decisions that seem to be reasonable. If the interpretation of the legislation is not being upheld or is being changed, then members opposite who sit in government should ensure that the laws are being followed. If there are weaknesses in our laws, then by all means let us change them, but let us change them with reason. Let us change them within the proper forum and with the proper involvement, expertise, input and discussion.

We have to be careful in what we do with legislation because sometimes instead of helping individuals, we can do a lot more to hurt them. I see people who are concerned about their employment this year. I see friends of mine who have been locked out, or are on picket lines and replacement workers have become involved. If we ensure that one side is fully protected but enough damage is done to the other side, nobody wins because there will be no work for anybody. Nobody understands that more than the worker.

The previous speaker said quite clearly that workers go to work every day with the intention of giving a good days effort for a day's pay. They ask for fairness. They want to ensure they protect their employer because without them they will have no work. I know that is true because I talk to them. Workers are sometimes coerced and enticed to do things which perhaps they would not ordinarily do.

Games are being played on both sides just as games are played in the House. That is the nature of humanity and the forum in which we operate, whether it be in the employer-employee relationship or the government-opposition relationship. When we have to make firm, hard, fast and fair decisions, then we have to ensure that they are acceptable to both.

• (1730)

Back in 1999, HRDC undertook an extensive review that resulted in an amendment to part I of the Canadian Labour Code relating to the issue of replacement workers. A task force, chaired by Andrew Sims, prepared a report entitled "Seeking a Balance". Are we not talking about seeking a balance and not creating an unfair advantage one way or another? Accusations are being made that there is an unfair balance. That may be the case. Maybe somebody will want to argue the other side.

This issue was addressed not by a private member's bill in a two hour debate. It was addressed by a task force which had input from all the stakeholders involved. After thorough discussion and debate, a report was tabled and the majority recommended the provision that would give employers flexibility to meet their operating responsibilities, but would prevent them from using replacement workers to undermine a union's legitimate bargaining objectives. A minority report recommended the prohibition of replacement workers, which is similar to the provisions of this bill.

The rights of the worker are supposed to be protected. I say supposed to be because who are any of us to determine that? The courts interpret the legislation, but the rights of the workers are supposed to be protected in this legislation that was put together as a result of a thorough task force. If the legislation is not working, then perhaps the legislation should be reviewed in the proper forum with the proper input in the proper way from the proper stakeholders.

The overall intent is not something that anybody opposes. The concern is the mechanisms in which we make such changes. None of us can walk in here with an idea to support a friend, a group, a province or whatever without the proper knowledge of the people who are making these decisions. We cannot say it sounds good and go with it because we do not know the effect on the other side. Nor do we know the consequences that may result to the very person looking for this change. In order to have a labour code that protects workers, maybe it is time we did a thorough review.

The relevant portion of the current labour code, section 94(2.1), is a result of the majority report and provides that no employer or person acting on behalf of an employer shall use replacement workers for the demonstrated purpose of undermining a trade union's representational capacity rather than the pursuit of legitimate bargaining objectives. Is that not exactly what the leader of the NDP was asking for? I think it is.

If this legislation is not providing this, and this is what it is supposed to do, then therein lies the problem. Consequently, the review of this should be in a much better forum than we see here today.

It is an attempt to deal fairly with the issue of replacement workers in the federal jurisdiction by accommodating the competing values and interests of employees, employers and the unions. It attempts to strike a balance by prohibiting the use of replacement workers if the intent is to undermine a union's representational capacity, as determined by the Canada Industrial Relations Board.

Nobody argues that workers should not be treated fairly. Nobody agrees that workers can be pushed aside and somebody else brought in to do the work when they are operating under contract or where they are legitimate employees of a company. The concern is that if we are going to change laws and regulations, then we had better do it properly because it is not only the employers and employees who would suffer, but as a country we could greatly suffer also.

• (1735)

[*Translation*]

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, workers in Quebec have benefited from anti-scab legislation for 28 years, since 1977. There is a consensus in Quebec in support of this anti-scab legislation.

Employer associations and employers are satisfied with it. In fact, I met some of them last fall and I was told that they were quite pleased with the legislation, this for four good reasons.

First, this legislation reduces the duration of labour disputes. It reduces violence and vandalism on the picket lines. It helps maintain a good atmosphere after the disputes, because there is less resentment. Finally, it creates only one category of workers.

#### *Private members' business*

This is what we are talking about here. In Quebec, there are currently two categories of workers. On the one hand, 90% of the manpower in Quebec is covered by the Quebec labour code and enjoys the benefits of this anti-scab legislation. On the other hand, currently, in 2005, 8% of all workers come under federal jurisdiction and the Canada Labour Code. This means that 326,000 workers do not benefit from anti-scab legislation. These people work in banks, telecommunications, radio, television, ports, airports, grain companies and even telegraph companies.

As hon. members know, a labour dispute is first and foremost an economic power relationship. During a labour dispute, we have on one side an employer who usually does without his production revenues and services and, on the other, union members who are so convinced of the merits of their claims that they are prepared to do without their only source of income, that is, their salaries.

When the employer involved in a labour dispute hires strikebreakers, it is as if, during a hockey game, when the teams are playing five against five, one team—namely the employer—decided to hire five more players and play the game with ten players against five. As we can see, strikebreakers are intruders in a dispute.

Strikebreakers are allies of the employers in a dispute in which they have no business, usually. By hiring them, an employer can thus maintain services, production and revenues. Their role is essentially to help an employer by relieving him from some economic pressure and allowing him to let the dispute go on as long as is necessary to “break” the union, because this is indeed what it is all about. Strikebreakers are union breakers.

Union members truly have the feeling that someone has stolen their jobs, and they are right. Their jobs have been stolen by people who are paid less, who—as I mentioned earlier—make the dispute last longer, who take their places, their work stations, their lockers, who pass by them every morning while they are on the picket lines and whose mere presence is an insult to them.

It creates a feeling of injustice leading to frustration and, most unfortunately, violent acts. In fact, frustration does not improve one's judgment, nor moderate one's behaviour. Such incidents often go unseen by union officials. Violence in a labour dispute situation causes resentment that lingers for many years.

As for the replacement workers—or strikebreakers—they are not in an easy position either. They are in a very difficult position because they are being exploited by an employer who is paying them much less than the regular employees. Even though they nurture a secret wish to keep their employment, they know very well that they will lose their jobs when the strike is over.

Moreover, they do not have the same rights as any other worker in Quebec or Canada. They know very well that they will never be able to form a union, which is a right guaranteed in part I of the Canada Labour Code. They do not have that right.

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In 1982, for example, radio station CHNC in Bonaventure hired 12 replacement workers. Two years later, in 1984, these 12 replacement workers requested union accreditation. That was the height of absurdity, and a situation that had never been seen before.

• (1740)

Obviously their request was denied. However, the fact remains that at that moment in time these 12 replacement workers felt they were a sub-category of workers.

There are four major advantages. It reduces the duration of labour disputes. That is true. In 2002, when federal workers made up 6.6% of the workforce in Quebec, they were responsible for 48% of the days lost because of labour disputes. It reduces violence and vandalism. We know this, we feel it, we do not need statistics to prove it. It fuels a positive environment, in the small communities especially. In Baie-Comeau, among other places, after the three-year strike at Cargill, I could go on at length about the families that no longer speak to one another and how that came to be. Finally, it creates a single category of workers.

This is the eleventh time an anti-scab bill has been introduced in this House. This is the ninth one introduced by the Bloc. This will be the fourth time such a bill will be voted on. In 2003, the hon. member for Rivière-du-Nord almost managed to get her bill passed. She was only 18 votes short. The Progressive Conservatives, the then Alliance MPs and the Liberals had voted largely in favour of the bill. Even the current Minister of Labour and Housing had voted in favour of it. What has happened in the meantime?

In conclusion, I ask that all members of this House vote in favour of this bill, a symbol of one of the best laws we could pass, as it does not give an unfair advantage to any party involved in a labour dispute. That is one good reason to pass legislation.

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Mr. Speaker, I am pleased to take part in the debate on the important issue of labour policy in Canada.

The aim of Bill C-263 is to amend the Canada Labour Code so as to prohibit the hiring of replacement workers during a strike or lockout.

I am unable to support this bill today for the following reasons. I want to explain them to the House.

Part I of the Canada Labour Code seeks to establish a delicate balance of the rights and responsibilities of employers, unions and employees. It provides a reliable system of checks and balances enabling the parties to resolve their own disputes according to rules that, I hope, are equitable. I will come back to this point later.

If the use of replacement workers is prohibited, as Bill C-263 seeks to do, these rules would no longer be equitable or, at least, the balance would shift, and perhaps lack the necessary checks and balances.

• (1745)

[English]

As hon. members know, we recently brought in legislation to modernize part I of the Canada Labour Code and improve collective bargaining. We are seeing the benefits of these improvements every

day. Part I of the code was amended in 1999. These amendments were the result of lengthy consultations with stakeholders in the labour community and included a study led by a former labour board chair, Andy Sims, Q.C.

The issue of replacement workers was carefully considered at that time both through consultations and debate in the House. During the consultations labour and management representatives were able to agree on a number of reforms. However, it soon became clear that there were two opposing camps on the issue of replacement workers and it is quite obvious who was on which side.

Members of the Sims task force were also unable to reach a consensus on this thorny issue. That is why we are now having this debate but without the benefit of the recommendations of the Sims task force.

The current provisions of part I of the code concerning replacement workers implement the majority recommendations of the Sims task force. The new provisions do not impose a general prohibition on the use of replacement workers during a legal work stoppage, but using replacement workers to undermine a union's capacity to represent its members is now prohibited as an unfair labour practice. Therefore, there are some measures to protect the employees in that regard.

I can assure the House that the parties who engage in collective bargaining throughout Canada under part I of the code have accepted this approach and are negotiating now under what is a reasonable system.

I have a few statistics. About 91% of all collective agreements renewed in the federal jurisdiction in 2003-4 were settled without a work stoppage, a strong contributor to the health of our economy. Key agreements were renewed without a work stoppage in many different sectors involving major employers covered by the Canada Labour Code, such as Bell Canada, VIA Rail, CIBC, Canadian Pacific Railway, the Vancouver Port Authority and so on.

A review of labour program data from the period 1992 to 2002 indicates that the average number of working days lost to labour disputes in the private sector was 18, compared to 19 days for private sector enterprises covered for instance by the Quebec Labour Code.

These figures demonstrate the skill that we bring to the resolution of contentious disputes. They clearly show that the Canada Labour Code is working.

Using replacement workers during an industrial dispute remains a contentious issue in Canada. The fact is that most major federally regulated employers do not hire replacement workers. It is my understanding that there have only been about 15 complaints over the use of replacement workers since January 1999. In other words, this many complaints taken to the Canadian Industrial Relations Board. Of the three decisions issued to date, none of the companies have been found to be violating the law. The majority of other complaints were withdrawn.

Only two provinces in Canada have labour legislation which restricts the right of employers to use replacement workers during work stoppages: Quebec and British Columbia. Despite this ban under provincial labour legislation, the use of replacement workers remains a major issue in many labour conflicts in both Quebec and B.C.

For example, in Quebec investigations concerning the illegal use of replacement workers were requested in 52% of work stoppages in 1996. This raises another matter. If we are going to engage in something like this and we are doing it with this kind of a record in front of us, then I do not think it is a solution to anything. It is certainly not functional right now.

In British Columbia, complaints about the use of replacement workers were lodged in 50% of the work stoppages in 2002. In other words, it was about the same.

It is clear that the use of replacement workers is a polarizing issue for the stakeholders. Employee representatives and unions typically support a complete ban on the use of replacement workers. On the other hand, employers invariably argue in favour of their use. Both sides have legitimate reasons for holding the positions they do. That is why the Sims task force came up with the best compromise possible, one that has a balance between the two competing views.

There is an important point of principle here that we must consider. Some will argue that the employer's countervailing power to the union's right to strike is the lockout. That is not so. The countervailing power of the union's right to withdraw its labour is the employer's right to continue to operate its business. The new provision in the code was an attempt to balance the interests of both parties.

• (1750)

[Translation]

There is one other point that needs to be made. It is to determine whether the use of replacement workers makes work stoppages shorter or longer. A recent independent study has challenged preconceived ideas on the connection between the use of replacement workers and the duration and frequency of strikes.

That study has shown that banning the use of replacement workers is in fact associated with more frequent and longer strikes. This is in contradiction to the perception that the lack of any ban on the use of replacement workers in the Canada Labour Code contributes to more frequent and more lengthy work stoppages.

Our role as legislators is not to choose one camp over the other. It is instead to come up with legislation that does not respond to the specific needs of one party at the expense of the other. That is why the legislative amendments made in 1999 are such a faithful reflection of the recommendations of the Sims task force.

Our government feels that the balanced approach set out in Part I of the Canada Labour Code is the best approach to the issue of replacement workers in sectors under federal jurisdiction.

If there were a need to change that balance—and in this I am on the same page as the Conservative Party member who has just spoken—I would prefer to see another task force like Sims set up, with a new study, a consensus reached within the task force

#### *Private members' business*

membership, and then recommendations to the minister. These might even be tabled in the House so that we could consider them, rather than acting as we are today in a kind of vacuum, without any such consultation. This would, I believe, help us make some progress with a bill such as this.

For all these reasons, I cannot support Bill C-263.

**Mr. Robert Vincent (Shefford, BQ):** Mr. Speaker, I want to begin by reiterating my full support for the anti-scab bill. I am particularly interested in this legislation, since I worked with unions for over 20 years. Take my word: I witnessed time and again how important it is to prohibit the use of strikebreakers during a labour dispute. Quebec has had an anti-scab act since 1977. To this day, all the stakeholders, including Quebec employers, recognize the need for such legislation.

First, it is impossible for two parties to negotiate when a third party gets involved and changes the power relationship between the two. For example, let us suppose I want to buy a house and the owner would like to get \$100,000 for it. I make an offer of \$90,000. If a third party shows up and offers \$110,000, he will automatically put me out of contention. It is the same principle when a union is negotiating, except that, in addition, the third party, namely the strikebreakers, undermines the workers' ability to have some bargaining power when dealing with the employer.

The use of scabs generates frustration, animosity and violence. It substantially lengthens the duration of conflicts. I will give some numbers to confirm my point. I want to refer to the famous Sims report, which is constantly used by opponents to the bill. Yet this report is full of major contradictions, and this is why I want to put into proper perspective some of the comments and figures that are included in it.

According to Andrew Sims, the main author of the report, between 1991 and 1994, 75% of the employers involved in labour disputes did not use replacement workers, preferring not to undermine relations between the union and management. The other 25%—that is in 12 of the 48 labour disputes governed by the Canada Labour Code—hired scabs. While Mr. Sims is opposed to anti-scab legislation, he agrees that scabs should not be used to exclude the union, or undermine its role. However, it is demonstrated that the employers who resorted to strikebreakers did so precisely to exclude the union, as confirmed by strikers' complaints of unfair practices and their personal testimony.

Also, as I said earlier, the use of strikebreakers significantly prolongs labour disputes. This is demonstrated, including in the Gunderson study entitled *The Effect of Collective Bargaining Legislation on Strikes and Wages*, published in 1994.

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According to the Quebec department of labour, in all Quebec labour disputes involving the labour code of Quebec—where anti-scab legislation exists—roughly 5,693 person-days were lost between 1980 and 2003. In all Quebec labour disputes involving the Canada Labour Code, 16,032 person-days of work were lost during that same period. A quick calculation shows that disputes last almost three times longer for Quebec workers under the federal labour code than for those under the Quebec labour code. Furthermore, note that Quebec workers under the Canada Labour Code only represented roughly 5% of the entire workforce, which considerably increases our rule of three!

Disputes are longer because of the use of scabs. We have even seen strikes or lockouts last up to four years. Imagine your brother, your father or even you in a federally-regulated job and you end up going on strike or being locked out for nearly four years. Imagine going four years without a salary! How would you react? What would you say about this? The employer is negotiating in good faith? How do you measure good faith? Is there a time limit on good faith?

• (1755)

What would prompt an employer to negotiate if there is no financial pressure because of replacement workers?

In reality, as long as the company has enough supplies to survive a strike or a lockout, or as long as it can hire staff to do the same work at a lower cost, the unions no longer have bargaining power.

How do workers affected cope with this on a daily basis? How does it impact their family life?

The longer the dispute, the less tolerable the situation. Imagine the father or the mother being denied their income and watching the busload of scabs crossing the picket lines with impunity. Worse yet, there have been scabs who have requested union certification. That takes the cake! Their request was denied, but does this not show that employers who use replacement workers do not respect workers?

In a market where anti-scab legislation does not exist, the solution to the problem becomes full employment. Theoretically speaking, there would be no workers available, nor anyone interested in replacing a worker during a dispute. Clearly the employer benefits from a rate of unemployment slightly higher than the natural rate of unemployment, which is roughly 5%.

The use of strikebreakers not only lengthens and inflames disputes, it makes a harmonious return to work at the end of the dispute more difficult. Workers are very likely to remain bitter about the experience and angry with their employer and even the strikebreakers.

In some communities where there are strikes, replacement workers have been relatives of the strikers. Picture the scenario: a worker does without a salary in an effort to negotiate better working conditions, and a family member comes along to support management and impede negotiations taking the worker's place for less money. What will this do to family relations? Do you ever ask yourself? It is not hard to understand that, when more than one party is involved, they need support. If people are left on their own, the result is animosity, as mentioned earlier.

So the absence of anti-strikebreaking legislation carries a significant psychological cost. It affects human dignity and creates family and financial problems over and above the social cost of a strike or prolonged lockout.

Let us restore the dignity of the workers who are governed by the Canada Labour Code through no choice of their own. Let us eliminate the three categories of workers created by the absence of anti-strikebreaking legislation. There are workers covered by the Quebec labour code, those covered by the federal labour code and those commonly referred to as scabs, who do not enjoy the same rights as those in the first two categories and are not covered by legislation.

We must be proud of our workers and give them their full due in society. Let us be open and fair, since they are the cornerstone of a healthy economy. Without them, our society would not be what it is. The best way to support them is to give them our respect and consideration for the job they do. Let us vote in favour of Bill C-263.

• (1800)

**Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.):** Mr. Speaker, I am very pleased to rise today to take part in the debate on Bill C-263. However, I disagree with the provisions of this bill.

[*English*]

Hon. members are all familiar with the enormous challenges facing governments and Canadian workers in the 21st century. Today we are grappling with workplace issues, issues of globalization and new technologies we never dreamed of just a few years ago. Labour issues are a big part of the global economy.

More and more, the forces that drive our economy, affect our job markets, our employers, our employees and our policy making have a strong international dimension.

• (1805)

[*Translation*]

These forces exert a great influence on employers, employees and the collective bargaining process in general.

[*English*]

The issues need to be addressed by employers and labour alike. That is why we recently introduced changes to the industrial relations legislation in Canada.

Part 1 of the Canada Labour Code creates a strong framework for collective bargaining in the federal private sector. It provides a process and procedure for timely resolution of disputes. It was amended in 1999 after a lengthy review, including a study by an independent task force of industrial relations experts.



During review of part 1, the most controversial issue was that of replacement workers. Labour and management held firmly opposing views. Even members of the Sims task force, which conducted the review, were unable to reach a consensus on the issues.

[Translation]

Most of the parties that bargain under part I of the Canada Labour Code will agree that the approach adopted in the code, at present, is balanced.

[English]

The current provision in the Canada Labour Code is a compromise. Organized labour wanted a complete ban on the use of replacement workers during a legal work stoppage and employers wanted a completely free hand. The new provision does not impose a general prohibition on the use of replacement workers during a legal work stoppage. However using replacement workers to undermine a union's capacity to represent its members is prohibited and constitutes an unfair labour practice.

Throughout all of Canada there are only two jurisdictions that have legislation similar to what is proposed in Bill C-263. Two provinces, Quebec and British Columbia, have labour legislation that restricts the right of employers to use the services of replacement workers during work stoppages.

Despite their ban under provincial labour legislation, use of replacement workers is a lightning rod for controversy in many labour conflicts in Quebec and British Columbia. For example, in Quebec, investigations concerning the illegal use of replacement workers were requested in 52% of work stoppages in 1996. In British Columbia, complaints about the use of replacement workers were filed in 50% of work stoppages in 2002.

We also know that banning the use of replacement workers does little to shorten the length of strikes.

An independent study by university researchers conducted in 1998-99 concluded that a legislative ban on the use of replacement workers actually lengthens strikes by an average of 32 days.

Despite legislation banning replacement workers, longer strikes still exist in Quebec, including the recently settled dispute at the Société des Alcools du Québec, or SAQ, which lasted almost three months and involved 3,800 workers.

Clearly, if an increase in the frequency and duration of strikes can be attributed to banning the use of replacement workers, we need to think twice about legislating such a ban.

Under the Canada Labour Code, the Canada Industrial Relations Board is able to order an employer to stop using replacement workers if it is proven that the employer is doing so for improper purposes. This provision, and other amendments to part 1 of the code, is designed to protect employees' rights during work stoppages in Canada. It provides a balanced approach to the replacement worker issue.

[Translation]

We are firmly convinced that part I of the Canada Labour Code makes it possible to settle the question of replacement workers fairly,

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taking into account the concurrent values and interests of employers, unions and employees.

[English]

Certainly the proposed amendments in this bill would negatively impact the balanced approach found in current labour negotiations.

Part 1 of the Canada Labour Code is a complex and sophisticated piece of legislation. It was developed and fine-tuned over time in consultation with trade unionists, employer groups, academics, labour law administrators and other experts in the field.

[Translation]

Thanks to this collaborative approach, we have succeeded in developing legislation that meets the needs of both workers and employers.

• (1810)

[English]

Part 1 of the code represents a delicate balance between the rights and responsibilities of employers, unions and employees. As legislators, we must act responsibly. We must not undermine that balance by changing one small provision without carefully considering the impact on the whole.

[Translation]

The current provisions of the Canada Labour Code meet present needs and should not be amended at this time.

That is why I must vote against Bill C-263.

[English]

**Mr. Alan Tonks (York South—Weston, Lib.):** Mr. Speaker, I am pleased and humbled to have the opportunity to speak to Bill C-263.

I appreciate the spirit in which the bill has been presented. Having spent a little over 30 years in municipal government, I have been very close to the negotiating scene in a variety of instances in private and public arbitrations and negotiations. I have seen the impact of labour strife when it occurs within a city or within a constituency and I appreciate very much the issues that have been raised.

The very delicate balance that exists with respect to the environment within which negotiations take place should be taken very seriously. The underpinning of natural justice is that each side in a dispute has an opportunity to have its rights represented.

With respect to the position put forward by my colleague who spoke before me, if we think of that level playing field in which the workers have the right to strike, the counterbalance to that in terms of the rights of the employer would be the right to still operate a business. As has been pointed out, the existing legislation provides for that balance. I would hope that we would not support this bill because it would skew the relationship and balance between employees and the right of employers to have their businesses continue.

*Adjournment Proceedings*

[Translation]

**Mr. Roger Clavet (Louis-Hébert, BQ):** Mr. Speaker, I am very pleased to conclude the debate on Bill C-263, which I had the pleasure and the honour of introducing in the House on November 4.

This anti-scab legislation seeks to prohibit the backward practice—let us not mince words—of using strikebreakers, or replacement workers or scabs, as they are commonly called. The objective is to ensure that the Canada Labour Code standards are more in line with those of the Quebec labour code.

As we know, Quebec has had an anti-scab act since 1977. This is a legacy of René Lévesque. As the member for Louis-Hébert, I am very proud to be associated, along with my Bloc Québécois colleagues, with a strong and progressive bill.

There is no question that the Quebec legislation has helped Quebec move forward in terms of labour relations, in addition to reducing the duration of labour disputes, curbing violence during strikes and lockouts and, particularly, improving the working environment.

Despite its positive aspects, the Quebec anti-scab legislation has had the effect of creating two categories of workers: those who benefit from such protection and the thousands of others who are deprived of that right, because their employers come under the Canada Labour Code.

Now, we all agree that the federal regulations are inadequate. The extremely vague provisions in the Canada Labour Code limit the use of scabs, but this is largely insufficient. Thousands of workers in Quebec currently subject to the Canada Labour Code are calling on parliamentarians to do something for them. They no longer want to find themselves helpless when replacement workers come in and steal their jobs.

In recent years, numerous labour disputes have dragged on without good reason, some in Quebec and some in Canada. For example, there were the strikes involving Radio Nord, Vidéotron and Cargill. People have not forgotten. They know that people suffered because they were replaced by scab workers.

All this is possible under our famous Canada Labour Code, which some colleagues in other parties still consider to be appropriate and adequate. However, this is no longer true, and that is why I introduced this anti-scab bill.

The Bloc Québécois are been trying for years to harmonize federal and Quebec legislation. In June 2002, my colleague from Rivière-du-Nord had tabled a petition supporting a similar bill bearing by 46,000 signatures. I hope the bill passes this time. We want to prohibit the use of scabs.

Finally, in my opinion, this bill is well suited to current conditions, and not conditions from 20 or 30 years ago. The Canada Labour Code must be reviewed in light of these changes and modern times to promote the rapid and, above all, as my colleagues have mentioned, peaceful settlement of labour disputes.

I will conclude this debate by repeating to the House that there is widespread support for this fair, equitable and modern measure. A consensus exists not only among my colleagues but among the

unions and workers. In Quebec, even employer organizations have no criticism of the provincial legislation, because they find it appropriate and fair.

We hope that the House will finally adopt this bill, since it is progressive, liberal and even—dare I say—democratic. I want to thank all my colleagues in the House who have supported or will support this bill, because it is fundamental to our society.

I will close by pointing out that in November of 2003, right here in the Outaouais, I took part with my fellow journalists in a congress of the Fédération professionnelle des journalistes du Québec. That was my profession before I got into politics. At this fine congress where there was much talk of freedom of speech and freedom of the press, there were workers from Radio Nord who were handing out information leaflets.

That day, I took the first political step of my life, before I was even a politician. I invited them to my table so that they could explain to the Fédération professionnelle des journalistes what a balance of power looks like when it is distorted and faked.

I promise to dedicate this bill to the workers of Radio Nord and to all those who have seen replacement workers come along and take the food from their mouths. These are the ones to whom we promise a bill that is worthy of their confidence, a bill that is more civilized and more humane.

● (1815)

I therefore invite all my colleagues to vote in favour of Bill C-263.

**The Acting Speaker (Mr. Marcel Proulx):** It being 18:18, the time provided for debate has expired. Accordingly the question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Marcel Proulx):** All those in favour of the motion will please say yea

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Marcel Proulx):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Marcel Proulx):** In my opinion the yeas have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Marcel Proulx):** Pursuant to Standing Order 93, the division stands deferred until Wednesday, April 13, 2005, before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

*Adjournment Proceedings*

• (1820)

[English]

## AGRICULTURE

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Mr. Speaker, it gives me great pleasure to speak to something that is very instrumental and dear to my riding. It is also a great pleasure to do it with seven members of my family here tonight, including my 11-year-old niece. I welcome them.

Agriculture is one of the largest industry sectors in Canada. Unfortunately, due in large part to years of Liberal government neglect, many components of this vital industry have experienced long term revenue declines, in addition to suffering through a wide range of crises. This has created a significant problem for many producers who cannot count on a steady income from year to year.

Even when production costs remain relatively stable, producers are not always able to meet these costs due to unstable markets, trade actions and disease. We are all familiar with the BSE crisis which has impacted beef, dairy, sheep and other livestock producers. Crop farmers have also experienced a shocking decline in revenue with an unprecedented collapse in prices for grains and oilseeds in Canada.

The increasing globalization of agricultural markets presents its own challenge. Canada must deal with subsidies and tariffs in an environment where not all countries play by the same rules. In fact, many producers refer to the lack of a level playing field.

The Liberal government's response to the numerous challenges of the farming community has been the Canadian agriculture income stabilization program, very unaffectionately known as the CAIS program. This program is intended to secure a level of protection by means of a deposit paid by producers. The deposit requirement, which has been universally rejected by industry groups across this country, ties up producers' money in deposits which could otherwise be used for much needed farm equipment, operating expenses or debt repayment. Rather than helping producers in crisis, the program actually places a greater economic burden on producers.

Nearly 100,000 producers participate in the CAIS program. Their combined accounts represent \$623 million, their money. Would this not be a substantial cash flow to agriculture if we simply released it to the producers now?

Furthermore, the rules of the CAIS program are so complicated that most producers cannot apply without the help of an accountant. In addition to being complicated, the program does not respond to expanding or downsizing operations and cannot properly value inventories. The end result is a dysfunctional program for producers who are already in dire straits.

Because the program combines disaster relief and income stabilization, it overvalues commodities in times of crisis. For instance, amid the BSE crisis, cattle herds have dropped significantly in value. Producers receive no compensation for the decline in the value of their herds unless they sell these herds at a loss. Unfortunately, our limited slaughter capacity in this country often makes it impossible to sell the animals even at a loss, so the drop in value cannot be claimed. As a result, producers who deserve compensation are told that they are ineligible. This is unacceptable.

My colleagues and I in the Conservative Party have called for an end to this onerous CAIS deposit requirement. The Liberal government responded by extending the deposit deadline until 2006 for the 2003, 2004 and 2005 program years. When a deadline has been extended three times, one would think that is a sign the program is not working.

It is clear that alternative programs are needed. The Conservative Party of Canada has proposed separating long term stability concerns from the short term need to respond to crises. This would ensure financial viability for producers while also responding adequately and appropriately to unforeseen circumstances, such as market access collapse, as we have seen with the BSE crisis.

In closing, our agricultural industry is fundamental to the Canadian economy. The family farm is one of the institutions upon which our country was founded. CAIS cannot respond to long term stability issues and to crises. New programs must be developed that decouple income stabilization from disaster relief. A Conservative government would do just that, because Canada's farmers deserve better.

• (1825)

**Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.):** Mr. Speaker, it is good to see the member's family here tonight. I know the member is concerned about these issues but his facts are substantially wrong. I will try to explain it.

The fact is that federal, provincial and territorial governments have been working on the CAIS deposit requirement issue for quite some time. In the summer of 2004 consultations were held with the industry right across the country. Yes, as the member says, industry wanted a complete and immediate elimination of the CAIS deposit requirement.

On the farm, income hearings that I held in January, it was basically the same thing. Producers were saying that we should eliminate the CAIS deposit requirement.

However, agriculture is a joint jurisdiction between the federal, provincial and territorial governments and both levels of government are involved. In terms of making a change, the approval of eight of the provinces is required. The federal government cannot do it unilaterally on its own.

If we were to move unilaterally on our own, the opposition would be standing up criticizing the government for having done that. However we have done the best that we could do. Certainly through the budget the Minister of Finance has outlined our intent.

Provincial and territorial ministers have expressed their agreement with two core principles of the CAIS deposit requirement, which is also an important part: that producers share in the cost of management of business risk under CAIS, and that an alternative to the deposit requirement that satisfies those core principles must be developed to replace the current deposit requirement.

*Adjournment Proceedings*

The Minister of Agriculture has therefore tasked government officials to work with industry to develop alternatives to the deposit based on the two principles. Ministers have also agreed that the alternative must be ready for implementation for the 2006 CAIS program year.

The budget announcement made it clear that the federal government agrees with Canadian farmers, in that producers should not be required to put funds on deposit annually in order to be eligible for the CAIS program. The budget made the point that the federal government is committed to working with its provincial partners and with industry to find a better means of effectively engaging producers in the joint management of business risk under CAIS.

The Minister of Agriculture and his provincial and territorial colleagues were well aware that the March 31, 2005 deadline for deposits was quickly approaching. On March 23, the federal and provincial governments announced interim measures for CAIS, while governments worked toward an alternative for the deposit. Those interim measures included: extending the deposit deadline for the 2003, 2004 and 2005 program years to March 2006; and allowing producers who had more than their required one-third deposit in their CAIS accounts to withdraw those excess funds.

Clearly, we are showing that we are moving toward eliminating that deposit and finding other alternatives to doing it. Alternatives to the deposit requirement will be presented to the federal, provincial and territorial ministers at their annual meeting in July.

The bottom line is that we want to move ahead and do it and the hon. member should know that and recognize it.

**Mr. Larry Miller:** Mr. Speaker, the only thing wrong in this whole thing that he mentioned is the way the announcements by the minister came out.

Just recently the Minister of Agriculture announced money for agriculture but a large part of that was pre-announced money. Another big part of it is that the money is not even the government's

to give. It is farmers' money and they include that in there. It deceives the public and it deceives the farmers.

Seventy per cent of the producers in my riding are not even eligible for CAIS for the reasons that I mentioned earlier, and I am one of them. However I am not standing up here tonight for myself. I am standing up for all the other farmers in my riding who are not eligible for one red cent from CAIS.

On top of that, we have that aforementioned \$623 million tied up and, basically, it is not the government's money. Talk about stealing the food out of people's hands when they are starving to death, that is what this is.

● (1830)

**Hon. Wayne Easter:** Mr. Speaker, again let us look at some facts. Thank goodness the Minister of Agriculture and Agri-Food was successful in terms of the most recent farm income program, a billion dollars to the industry. That is not to be sneezed at and that certainly is going out.

On the CAIS program, in terms of it not working, it should be said that some 88,600 producers received more than \$1.2 billion in the first 15 months of the program. We know that is not solving all the problems. That is why we are doing other things and other reviews. It is why we have the farm income program in place.

The bottom line in terms of this debate tonight is about the CAIS deposit requirement. The minister has made it clear. He has moved the deposit requirement forward to March 31, 2006 so that we can deal with that problem. The Minister of Agriculture and the Government of Canada are clearly showing leadership on this issue in producers' interests.

**The Acting Speaker (Mr. Marcel Proulx):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until Monday, April 11, 2005 at 11 a.m., pursuant to order made on Wednesday, April 6, 2005.

(The House adjourned at 6:32 p.m.)





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