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(HANSARD)

Monday, October 3, 2005

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, October 3, 2005

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

CANADA MORTGAGE AND HOUSING CORPORATION ACT

The House resumed from June 3 consideration of the motion that Bill C-363, an act to amend the Canada Mortgage and Housing Corporation Act (profits distributed to provinces), be read the second time and referred to a committee.

● (1100)

[*Translation*]

SPEAKER'S RULING

The Deputy Speaker: On June 3, 2005, at the commencement of debate on second reading of Bill C-363, an act to amend the Canada Mortgage and Housing Corporation Act (profits distributed to provinces), a point of order was raised by the Parliamentary Secretary to the Government House Leader concerning the need for this bill to be accompanied by a royal recommendation. A submission on this matter was also made by the sponsor of the bill, the hon. member for Beauport—Limoilou. The Chair thanks both members for having raised this matter at an early opportunity.

Bill C-363 proposes that the Canada Mortgage and Housing Corporation distribute any surplus from its reserve fund to the provinces for social housing purposes, for the supply of quality housing at affordable prices, and for an increase in housing choices for the people in the provinces.

The parliamentary secretary argues that the transfer of such monies to the provinces constitutes new spending for a new purpose and ought to be accompanied by a royal recommendation.

The Chair has carefully reviewed this matter, especially the details pertaining to the operation of the CMHC reserve fund. Currently, section 29 of the Canada Mortgage and Housing Corporation Act prescribes how profits made by CMHC are credited to the CMHC reserve fund, and how amounts in that fund exceeding limitations established by the Governor-in-Council are then transferred to the Consolidated Revenue Fund.

[*English*]

The reserve fund of the Canada Mortgage and Housing Corporation has a unique character. Subsection 29(2) of the act explains that the board of CMHC places its profits in this fund to cover costs related to its operations:

> —the profits of the Corporation in each fiscal year remaining after such provision...as the Board thinks proper for bad and doubtful debts, depreciation in assets, anticipated future losses and all other matters whatever that in the opinion of the Board should be provided for in carrying out the purposes of the Corporation shall be credited to the reserve fund....

[*Translation*]

In other words, the reserve fund is an operational account that CMHC uses to conduct its corporate business. Until amounts from the reserve fund are actually transferred to the Consolidated Revenue Fund each year, they are not available to the Crown for general appropriations.

● (1105)

Although the parliamentary secretary acknowledged that the reserve fund is not part of the Consolidated Revenue Fund, he did argue that because monies from the reserve fund are integrated into the Consolidated Revenue Fund on an annual basis they may be considered to form part of the general revenues under the control of the Crown.

The Chair has some difficulty with that statement.

[*English*]

The narrow question which the Chair must decide is whether the financial initiative of the Crown is being infringed through the provisions of Bill C-363, that is, whether the bill seeks an authorization for appropriations to be made out of the consolidated revenue fund without being first recommended by the Crown.

[*Translation*]

The Chair is not convinced that this is the case. Bill C-363 proposes that monies within the control of CMHC—not the Crown—be dedicated for a particular purpose. A royal recommendation is required when a bill seeks an authorization to withdraw monies from the Consolidated Revenue Fund. Is Bill C-363 seeking to withdraw monies from the Consolidated Revenue Fund? I would conclude that it is not. Bill C-363 is preventing CMHC monies from being placed in the Consolidated Revenue Fund by having them used for another purpose. The transfer of monies from the CMHC reserve fund to the Consolidated Revenue Fund—or in this case to the provinces—is not a matter relating to the appropriation of monies from the Crown. Therefore, Bill C-363 does not infringe on the financial initiative of the Crown.

The parliamentary secretary also cited a May 9, 2005 ruling, which among other things addressed the objects, purposes, conditions and qualifications of the royal recommendation. He argued that Bill C-363 is adding a new purpose which was not contemplated in the original legislation establishing CMHC and would therefore need a new royal recommendation. Again I wish to stress that the original royal recommendation strictly applied to matters concerning the objects, purposes, conditions and qualifications of an appropriation of monies within the control of the Crown; that is not the case with Bill C-363. As Bill C-363 does not appropriate from the Consolidated Revenue Fund, it cannot be considered as altering the purpose of the original royal recommendation.

Therefore, in its present form, this bill can proceed through the normal stages in the legislative process without the need of a royal recommendation.

The Chair once again thanks the Parliamentary Secretary to the Government House Leader and the hon. member for Beauport—Limoilou for having raised this matter at an early opportunity. By doing so, they have provided the entire House with the clarity it needs to take an informed decision on this piece of legislation.

● (1110)

SECOND READING

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am convinced that all parliamentarians in this House will want to join me in saluting the relevance of your ruling, which allows us to fulfill our role. Of course, the hon. member for Beauport—Limoilou deserves a lot of credit for putting this housing issue on the agenda of the House. This issue is of primary importance, nearly as important as life itself. Indeed, we cannot give meaning to our lives, be involved in our community and perform our civic duties if we do not have a roof over our heads.

I am very grateful to the hon. member for Beauport—Limoilou for tabling a bill founded on common sense. Can we imagine being in the shoes of those who established the Canada Mortgage and Housing Corporation after the second world war? They wanted to ensure that there would be affordable housing, first for post-war citizens, but also, and more importantly, for those who had pressing housing needs.

The Canada Mortgage and Housing Corporation behaved like a bank, like a financial institution interested in accumulating surpluses. It has tried to hoard money and it has not done all it could to improve the housing situation.

As the MP for Hochelaga, I am extremely pleased to take part in this debate today. I am doing so thinking of the housing organizations in my riding, particularly Entraide logement and the BAIL committee with Mr. Laporte, who is now working under contract with FRAPRU for a few months. In Hochelaga, we are well aware of how effective housing is as a tool to combat poverty.

The hon. member for Beauport—Limoilou is proposing that the Canada Mortgage and Housing Corporation set aside the equivalent of 5% of its portfolio of loans and maintain a reserve fund of up to $100 million for contingencies, and so on. That sounds like a common sense approach to me. The Canada Mortgage and Housing Corporation is not a financial institution. It is not there to accumulate surpluses. Who would have ever thought that the CMHC would have $4.2 billion in accumulated surpluses? If nothing is done, if we do not act on the bill introduced by the member for Beauport—Limoilou, we could see surpluses as high as $8.3 billion. That makes no sense.

How these surpluses came to be is in itself worrisome: overestimated borrowing costs, excessive rates charged to citizens for loan guarantees and, of course, the fact that the cost of managing social housing programs has been lower because interest rates were lower. This is, therefore, an extremely important bill. This bill calls for the Canada Mortgage and Housing Corporation, subject to the two conditions stated, namely setting aside 5% of its portfolio of loans and maintaining a reserve fund of up to $100 million for contingencies, to give a rebate, to distribute the rest of its surpluses to the provinces, which have primary responsibility, with the municipalities, for social housing. I understand that my hon. colleague's bill provides for this refund, this redistribution to be in proportion of the provinces' population.

That is absolutely unacceptable. We must not think that the housing crisis has subsided in our various communities. I was rereading the policy statement sent to us by my friend Cosmo Maciocia, who is responsible for social housing on the City of Montreal executive committee. I do not want to make any partisan remarks since Montreal is in the middle of a municipal election. However, I will point out that the Tremblay administration launched an operation called Solidarity 5000 Homes, in Montreal. This is not insignificant. Close to 4,800 housing units have already been delivered or will be delivered soon.

● (1115)

Obviously, we must not think that this operation, Solidarity 5000 Homes, which is worth mentioning, has solved all the housing problems in Montreal. It is true though that the situation has improved compared to what it was three years ago. Indeed, vacancy rates were lower then than anyone could imagine. But the needs are still there and they are significant.

I will talk about Hochelaga—Maisonneuve. In my part of town, thanks to Solidarity 5000 Homes, 170 housing units were built and 138 are yet to come. I will take this opportunity to thank Mrs. Édith Cyr, from my community's technical resource group or GRT, who has done an excellent job on this. As we know, it is the GRTs that deliver the housing units, help organizations with the planning and sign the contracts. GRTs play an important role between the time when the need is identified and the time when construction begins on a housing unit. If further proof is required that the need for social housing is still huge, here it is: in Hochelaga—Maisonneuve alone, it is estimated that an additional 455 units could be built if the funds were available, but they are not. There is not one cent left in Operation Solidarity 5000 Homes; all the funds have been allocated.

I want to give some examples of the needs in Hochelaga—Maisonneuve. The Chaussures Pitt property is on Nicolet street. Everyone has heard of this shoe store: it is part of the consortium owned by Yellow. This building will be retired. With funding, 35 housing units could be built on that site. The Résidence Maisonneuve could be converted into 10 housing units. The property on Bennett street behind the Propulsion agency could provide another 35 units. And 200 housing units could be built beside Saint-Clément park. The former Viau cookie factory that supplied us for years with Whippet cookies, which, Mr. Speaker, you have probably tried, is now available. Condo apartments could be built there, but since there is also a housing construction program, 200 units of social housing could also be built. The former École des métiers de l'Est, on Darling street next to the Hochelaga school, could also be converted into 71 housing units. I will not get into details as to whether it should be affordable housing or come under the Accès Logis program. This decision should be made by the developers in cooperation with the various municipalities. The message we are trying to send this morning is that there is a enormous need for housing.

Who can believe that, in a country as wealthy as Canada and Quebec, 150,000 people do not have a permanent place to call home? In Quebec alone, 393,000 households have been identified as being in dire need of housing. When over 30% of personal income is spent on housing, there is a problem. Imagine what happens when it is 50%. Yet, over 100,000 households spend more than 80% of their income on housing.

This is an extremely relevant bill that has been lauded and awaited by housing advocacy organizations. If I had time, I would no doubt talk about the SCPI program. But I do not. However, we do need to send a clear message that we, as parliamentarians who want to fight poverty, need to vote in favour of this bill, which would make funds available to communities so they could provide social housing to those who desperately need it.

● (1120)

[*English*]

Hon. Judi Longfield (Parliamentary Secretary to the Minister of Labour and Housing, Lib.): Mr. Speaker, I would like to add my voice to those of my colleagues who will be speaking against the proposed Bill C-363, a bill that would amend section 29 of the CMHC Act to require Canada Mortgage and Housing Corporation to distribute surpluses from its reserve fund to the provinces.

Housing means more to Canadians than just four walls and a roof over their heads. It is one of the key building blocks around which most of us build our lives, like access to education, good health care and employment. Having a safe and affordable home is a cornerstone that enables us to go out into the world and to prosper in our jobs, support and care for our families, and build the vibrant communities and strong economy upon which this great nation is based.

It is important to recognize, however, that housing needs of Canadians are as diverse as the faces of Canada itself: youth, new Canadians, single mothers, women escaping violence, young families, seniors, persons with disabilities, aboriginal peoples and individuals living in northern and remote communities. With all of these groups there is a wide range of needs.

Our government's approach is to view housing as a continuum. Through our national homelessness initiatives, communities are given the opportunity to build on their successes and focus on interventions to help prevent and break the cycle of homelessness. Through the Canada Mortgage and Housing Corporation, we seek to address a wide range of needs, from emergency shelter and assisted housing to access to market housing and independent, reliable information on the latest market trends and advances in housing technology.

Because of this need for diversity, we work with a wide range of partners. Playing a leadership role, CMHC collaborates with all levels of government, as well as with the private and non-profit sectors and community organizations, to develop workable solutions that speak to the needs of Canadians both today and tomorrow. Our vision of housing in Canada is broad and it is constantly evolving.

What does this mean for the young Canadian family looking to buy their first home or for the single mother hoping to get assisted housing with her children so she can go back to school for more training? What does it mean for the older couple living on a fixed income who need to make adaptations so that they can live in their homes independently? It means many things, but for starters it means an expanding range of mortgage insurance products that help make home ownership more affordable for Canadians. CMHC has a long history of innovation in mortgage loan insurance and in securitization that translates into products and services designed to meet the ever changing needs and lifestyles of Canadians across the country, as well as keeping financing for home ownership and rental development accessible and affordable.

In April of this year, CMHC introduced an impressive package of mortgage loan enhancements and benefits that continue to make it easier for homebuyers to take their first step into the market. This includes a further 15% reduction in mortgage loan insurance premiums for homebuyers with as little as 5% down. This is CMHC's second premium reduction for home owners in two years.

For that young family I mentioned a moment ago, these changes result in significant changes that may allow them to enter the housing market earlier and at interest rates comparable to those financing their homes with a down payment of 25% or more. This will help to get them started sooner on the path to financial security and to direct their resources toward other things, such as saving for their children's college or university educations.

As first time homebuyers assuming $125,000 CMHC-insured mortgage with a 5% down payment, a family will save $600 on the purchase of their new home thanks to the 2005 April announcements. If we were to combine the saving with the premium reduction CMHC announced two years ago, they stand to save a total of $1,200 on the purchase of their home.

The improvements do not stop there. CMHC also eliminated its mortgage insurance premiums on rental projects under both phases of the affordable housing initiative and other projects with rents that are low enough to meet the needs of households who qualify for social housing. This will result in significant savings to sponsor groups.

Housing sponsors, in addition to saving in the order of $300,000 on a $5 million loan with a value of 95%, will also be able to continue to benefit from the access of financing which mortgage insurance assures and corresponding lower interest rates.

● (1125)

Premium reductions of an additional 20% were also announced in April for affordable housing rental projects that met the criteria for CMHC's partnership flexibilities. On a project with a $5 million loan and on a loan to value ratio of 95%, this could amount to a savings of almost $100,000. These are substantial savings which sponsors can reinvest in quality housing projects or to use to make more units of assisted housing available.

These changes are in addition to the $1.8 billion our government is currently directly investing in housing projects for the benefit of all Canadians. In addition to the $1 billion for the federal affordable housing initiative, $405 million has been added to the supporting communities partnership initiative, or SCPI, and $384 million has extended the residential rehabilitation assistance program, RRAP.

Approximately $2 billion a year is spent on housing assistance, primarily in support of some 633,000 lower income households.

I am happy to say that for the single mother I described a few minutes ago, finding good quality assisted housing where she can afford to live safely with her children is more accessible, in part, through these programs. They can help her get on her feet and help her with her dream of picking up her education so she can work in a job she finds more fulfilling and to provide greater flexibility and security for her family.

We are also making excellent progress in moving the affordable housing initiative forward. Agreements have been signed with all jurisdictions for the first phase of the initiative, and eight provinces have now signed affordable housing agreements with the federal government.

What about those older low income couples who need to put new roofs on their houses? CMHC is making a difference for them as well. The funds available through the residential rehabilitation assistance program will help some of them, not all of them, with the costs of these repairs.

Because the housing challenges on reserves are unlike those faced by any other segment of our population, the government is also committed to improving on reserve housing conditions for aboriginal people by investing $295 million over a period of five years, of which $200 million will be invested in the first two years. The funding will help to build 6,400 new housing units and renovate 1,500 existing units.

The additional investment of $1.6 billion announced to assist Canadians, including aboriginal Canadians, in finding a safe and affordable place to call home will allow us to further address the housing gap faced by aboriginal Canadians. This will help us to begin the true transformative change that is required to help build a solid platform for longer term sustainable solutions from the Canada-Aboriginal Peoples Roundtable.

The federal government has a responsibility to help meet the housing needs of all Canadians.

Bill C-363 zeros in on only one part of the housing continuum, assisted social housing. It overlooks the real need to make housing more available and affordable for Canadians of all income levels, including those with special needs and those who need special housing.

In addition, the bill chooses only one delivery method, that of the provinces. In reality, it takes many partners to meet the diverse housing needs of Canadians. As I mentioned earlier, CMHC works in close partnership with a wide variety of industry, non-profit and community organizations to make a choice of innovative, affordable housing solutions available to all Canadians.

In fact, we have recently held a series of national consultations to gain a better understanding of the housing affordability challenges facing Canadians. These consultations will guide us in the development of a partnership based Canada housing framework that builds on the successes of our existing programs and introduces new initiatives.

Once in place, the framework will serve as a guiding plan for all new federal investments in housing, one that recognizes the housing needs of all Canadians, and which is based on the collaborations and successes we already have achieved. Most important, it will seek to build on and foster partnerships with all levels of government.

While the interest of the member opposite in housing is commendable, I would have felt a little happier if he had felt the necessity to support Bill C-48, which added $1.6 billion into the housing economy.

● (1130)

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, I too will speak to C-363. There is no question that the objective of the bill is laudable in the sense of social housing, providing quality homes and improving the quality of life.

However, the manner in which it proposes to do it is somewhat problematic when one looks at the composition of the Canada Mortgage and Housing Corporation. Essentially there are two functions to that corporation. One is the insurance and securitization part of CMHC. In that respect it is meant to be a commercial enterprise that competes in the private market with others, like Genworth Financial Canada, that provide mortgage insurance or financial institutions that provide loans.

The other aspect of CMHC relates to assisted housing or social objectives, research and information and international activities.

CMHC's business activities, which are financed from insurance premiums and fees, require it to be competitive in the marketplace. The bill looks at having those fees moved over to social housing.

The other aspect of CMHC, which deals with social housing initiatives like assisted housing, housing repair and improvement, aboriginal capacity programs, Canadian housing market research, emergency planning and so on, is funded by parliamentary appropriations, and rightly so.

Any of those initiatives that CMHC wishes to proceed with would need to go to the Prime Minister, the cabinet and ultimately Parliament for approval. We saw that happen for instance in Bill C-48, although it was ill-conceived and under perhaps trying circumstances. Nonetheless it was a type of bill that dealt with a parliamentary appropriation for a specific purpose and it was debated by the House and all parliamentarians had an opportunity to vote on it.

This bill proposes to have that happen automatically, have it happen without any consultation in Parliament and have it move as the funds develop. When we look at the bill, it indicates that when the ratio of 0.5% of housing loans are attained in terms of profits, they would automatically move to the CMHC reserve fund. At that point, if the reserve fund reached 10% of the equity of the corporation, the funds would automatically get disbursed to the provinces. Although the concept in itself may have some merit in that it is a per capita distribution to provinces, it all together bypasses parliamentary intervention.

The clause as it now reads intends to amend section 29 that establishes a reserve fund. It states that moneys get placed to a reserve fund after taking into account a series of events like bad debts, depreciation and anticipated future losses. We find that some of those are calculable, but the anticipated future losses are dependent in a large part on the economy, on the interest rates and on a whole series of factors. To arbitrarily fix it at 0.5% of the housing loans does not bear a relationship to those factors.

What we have is an independent body, an actuary, that would predict what, in the anticipation of the actuary, ought to be held in reserve to cover potential losses. In my view that is a prudent way to operate. However, in the event we find ourselves in a situation where either the risk that is intended to be covered is over covered or more income is earned than ought to be earned, then perhaps CMHC has charged too much on its commercial side of the business.

No doubt in order for it to be competitive with Genworth or other institutions that are operated privately to provide the same services, it needs to establish a reserve to properly capitalize its assets to ensure if there is an economic turndown that it can cover those losses and it must have a divided of some sort at the end of the day to be profitable. In this case, it would be anticipated these would go to the Receiver General, ultimately to general revenue and disposed of as the House may decide. If we find that CMHC is making too much money or is receiving too much income, we then have to look at those who are paying the moneys into it and who are not receiving the benefit, and they are first time homebuyers.

● (1135)

Currently, to purchase a home at a low of equity ratio of, say, 95%, those loans are insured by CMHC which is insured by the Government of Canada that has a stake in this matter. It can provide housing to first time homebuyers at a very low down payment of 5% in this case. However, they must pay an insurance premium of roughly $2,300 to $2,700 depending on the value of the home. All this goes into the CMHC revenues.

If we find that it is generating too much income, or more than is actuarially sound or more than it needs to, this should be taken into account in the amount that is charged to first-time homebuyers, and there are number of ways of doing that. We could reduce the insurance premium, as has been done the last couple of years, by 15% in each year. We could enhance the benefits of the insurance, as it has with respect to title defects or title defect insurance, whether it relates to unknown easements, or encumbrances or any other defect that might cause a concern to the consumer. There are two ways of dealing with excess revenues.

First time homebuyers should be given every opportunity to acquire a home. Five per cent may even be too much and we should work toward a 0% down payment to encourage people who are unable to get into a home. When we look at first time homebuyers, many of them are young people who do not have a lot of assets or money for down payments. We should look at other ways of arriving at how down payments may be achieved. We need to look at other ways at to reduce what it costs them upfront.

Currently, the CMHC insurance portion is financed through the term of the mortgage, which is 25 years. When we look at a 25-year amortization at current interest rates and an insurance policy of, say, $2,300 or $2,700, it amounts to a lot of money over the term of the mortgage. Profits should be utilized at making a better product, encouraging home buying with less down payment or zero down payment and ensuring that premium rates are low rather than using those moneys to cross-subsidize some other enterprises, such as social housing or any other project.

The minister has reduced the premiums twice now, but perhaps he could reduce them more. He has used the extra funding to waive the premiums on rental buildings in rental projects. He also has put in a program of a 10% reduction if the home is energy efficient or if the home is retrofitted. I worry about that because it is like cross subsidization of an insurance premium for purposes other than for what it was intended.

We would be better served if we operated CMHC as a commercial enterprise with sound commercial practices that could compete with other private sectors on an even keel basis to bring down the rate of insurance that individuals would have to pay.

In respect of social housing programs, it is not the business of CMHC to use commercially generated profits from either the insurance business or from the lending business to make social housing type initiatives. That is something the government as a whole needs to do. It is something that the government would need to project and stand the test of the House and ultimately stand the test of the electorate in the event of an election. It is a policy consideration and that needs to be made at the government level and tested through the public.

There is no question in my mind that these initiatives are important and they need to be proceeded with, but it is something that needs to stand the test of the House and of the public in a general election.

● (1140)

Something like this in Bill C-363 would circumvent all of that. It would arbitrarily assess these moneys to those projects without regard to the circumstances we find ourselves in, without regard to what our future economy may be like and without regard to all the circumstances involved in deciding what should be a safe and proper amount not only in the capitalization of CMHC but in the reserve fund.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I rise to support this bill. The NDP will be encouraging all members of the House to vote in favour of Bill C-363 in order to get it to committee for further debate and discussion. I thank the member from the Bloc for introducing this bill.

In part, this bill comes before the House because of the lack of action over the last several decades on the part of the Conservatives and the Liberals. This bill is asking for the profits from CMHC to be reinvested in social housing.

The National Housing and Homelessness Network has put together some figures. In the most recent fiscal year Canada Mortgage and Housing Corporation, our national housing agency, reported equity of $3.4 billion and a net income after taxes of $950 million. CMHC projects that its equity will go to $8.3 billion by 2009, with a net income of $1.2 billion.

The national housing and homelessness initiative acknowledges that it is critical that money be put aside for risk management, but it seems only reasonable that we reinvest this kind of money in social housing. We have a housing crisis in Canada. It is shocking that a nation as rich as Canada would have people sleeping on the streets.

One of the things that the National Housing and Homelessness Network has done over the last while is put together a report card on what has happened with housing in Canada. It also pointed out that this whole shameful situation in Canada started under the Conservative government of Brian Mulroney. It cut $2 billion from the national social housing program starting in 1984 and then cancelled entirely all new social housing spending in 1993. That is the legacy the current Liberal government stepped into.

I like this line out of the National Housing and Homelessness Network's press release dated September 21. It started its press release by saying, "Too much political spin, not enough truly affordable housing". That speaks to the issue here.

It talks about the fact that four years ago, in September 2000, the federal, provincial and territorial housing ministers emerged from a meeting talking about having a working plan to create more desperately needed affordable houses. Six weeks after that meeting the federal Liberals promised to fund up to 120,000 new affordable homes over four years. Four years later in 2004, Canada has no comprehensive national housing strategy, just a loose patchwork of funding and programs that have delivered just 10%—I will repeat that number, just 10%—of the new homes that were promised.

The housing release goes on to talk about all the promises that have been made. It says that ministers have made promises, signed agreements, issued announcements and called press conferences but have failed to build new homes. That is why the National Housing and Homelessness Network has graded federal housing efforts over the past four years as a failure.

The network has done a very good job in its report. The National Housing and Homelessness Network went through a whole series of reports and basically graded the efforts over the last several years as D or F. We are just not making the kinds of inroads needed in housing. It talks about the fact that the best estimates from the national housing and homelessness initiative is less than 12,000 new homes, or 10% of the promise, have actually been committed. This is a shocking set of circumstances.

I want to talk for one moment about what is going on in my own riding of Nanaimo—Cowichan. Last week in the city of Duncan, which has a population of about 5,000 and the Cowichan Valley has around 70,000, a vacant building burned down. That vacant building was the only venue in the Cowichan Valley for people who do not have homes to live. Six people were in that building when it burned down. Two were seriously injured and four others had some minor injuries.

The shameful part is there is nowhere to send people who are homeless in the Cowichan Valley. People are couch surfing, sleeping under the local bridge and in a dangerous vacant building. Where are these people going? After the building burned down, four of the people were put into temporary shelters but because of some other issues, they have been evicted from them. There is nowhere for them to go and they are back on the street.

● (1145)

The local MLA, who is the housing critic for the provincial NDP, has called upon both the federal and provincial governments to get their acts together and build some new homes. He said, "We are seeing a combination of a lack of affordable housing and a total lack of treatment for addiction and mental illness. More and more people are living on the street in more and more desperate circumstances". MLA Routley is calling on the provincial government to do an inventory of public buildings which could be used for emergency shelters for the homeless or converted to low income housing. We do not want to see people living in vacant buildings and then at risk should arson happen and the building burns down.

There are a number of other initiatives in my riding.

In April of this year a survey on homelessness was done in Nanaimo. The Nanaimo Working Group on Homelessness Issues interviewed 110 people. What is really frightening is that of those 110 people, 45% of the people living on the streets were women and many of those women had children. The study also found that women were far more likely to be homeless longer than men. Fifty-three per cent of the population interviewed were men, and the men were older than the women in general. Forty per cent of the income made on that day was from the sex trade and 11% from drug dealing.

This was a snapshot of the situation. People feel that this under-represents the number of people who are living on the streets in Nanaimo. It is a shameful situation. There is a lack of affordable housing and a lack of addiction treatment centres. There is nowhere for these folks to go.

Another initiative is being undertaken right now in Nanaimo called the Willow WAI, which is the wrap around initiative. This initiative is an integrated case management approach that uses flexible funds to assist the homeless or at risk individuals to remain in sustainable housing. This initiative draws on community partners and other professionals and existing resources. The initiative offers wrap around case management to participants in the community at large. It provides services and flexible funding to ensure access to housing. The sad thing about this initiative is that the funding runs out in 2006. At risk women and children will be back on the street.

The government talks about sustainability for affordable housing. It is very difficult to raise community funds. Three hundred thousand dollars are needed to keep those houses open, and the situation is getting desperate. It is now October and the participants have six months to raise that money before federal funds run out. It is criminal that more women and children will be put back on the streets.

Why should we have affordable housing? Why is social housing a good thing? The Nanaimo affordable housing group put together an evaluation which looked at a project that was taking place in Nanaimo. The group wanted to demonstrate that by having housing in place, it saves money in the system. They have undertaken a project for at risk individuals who have psychiatric problems or disabilities. This is a quote from the study:

> Before moving into the building the participating tenants had 63 medical admissions totalling 703 hospital days. Since moving into the complex, there have only been 10 medical admissions totalling 54 days. Before moving into the building there were 31 psychiatric admissions totalling 729 days. Since moving into the complex, there have been 10 psychiatric admissions totalling 82 days.

If we just want to talk about dollars and cents and nothing else, we know that by providing people with affordable, sustainable, good quality housing, we save money in our health care system.

I want to close with one more quote from the national housing initiative. It talked about the fact that federal and Ontario politicians have a habit of announcing the same units over and over again. Ontario promised 46,332 new homes, but delivered 63, and yet it had 11 major announcements involving the same units.

Part of the reason this bill has come before the House is that we are tired of hearing the rhetoric about building new houses and having nothing happen. I encourage all members of the House to support sending Bill C-363 to committee so that we can have further conversations about what is needed to protect the homeless in this country.

● (1150)

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, I would like to speak against Bill C-363 as proposed by the hon. member for Beauport—Limoilou to amend the CMHC act to require the distribution to the provinces by Canada Mortgage and House Corporation of surpluses from its reserve fund.

Housing is a fundamental priority of the federal government, as it is for the people of this country. We in the House have a responsibility to ensure that those Canadians who are in need of assistance are able to access a basic level of safe affordable housing.

Through CMHC the government is working to meet that need by helping to increase housing options and accessibility for low income families and individuals, aboriginal people, seniors, those living with a disability and Canadians with special needs. As the elected representatives of all Canadians, we also have an equal responsibility to all Canadians whose needs are met by the marketplace and who are likewise struggling to build a better life for themselves and for their families. To this end we must do everything we can to help our housing and financial markets work better and more efficiently and to ensure that the Canadian housing system remains one of the best in the world.

The ultimate test of our efforts in this regard is the percentage of Canadians who are able to meet their housing needs without having to rely on government assistance. Today, thanks in large part to the efforts of CMHC and its partners, more than 80% of Canadians are well and affordably housed. Sound financial management has resulted in eight balanced budgets, lower interest rates and a series of exceptionally strong housing markets.

A strong housing market combined with good corporate management and numerous public product innovations has allowed CMHC to enjoy several years of record earnings. The federal government and CMHC are already putting these benefits back into the pockets of Canadians through premium reductions and other enhancements to its mortgage loan insurance activities.

As Canada's national housing agency, CMHC is committed to helping Canadians access a wide choice of quality, affordable homes and making vibrant healthy communities in cities a reality across the country. CMHC's mandate as described in the National Housing Act is to promote housing construction, repair and modernization; housing affordability and choice; improvements to overall living conditions; the availability of low cost financing; and the national well-being of the housing sector.

Part of fulfilling that mandate includes building on its long history of innovation and mortgage loan insurance and securitization to offer a wide range of mortgage insurance products and services that help make home ownership more affordable for Canadian homeowners. These products and services continue to evolve to meet the ever changing needs and lifestyles of Canadians across the country and in all markets.

For example, in April, CMHC introduced a package of enhancements and benefits worth $200 million annually. This included a 15% reduction in mortgage loan insurance premiums for home buyers with as little as a 5% down payment. This is CMHC's second premium reduction for homeowners in two years. This means that a home buyer with a $120,000 mortgage and 5% down payment who obtains a CMHC insured mortgage will save a total of $600 on the purchase of his or her home. Combined with the premium reductions announced by CMHC two years ago, that homeowner is now saving 30%, or $1,200, on the purchase of his or her home.

To increase both the affordability and energy efficiency of Canadian homes, CMHC is offering a 10% refund on mortgage loan insurance premiums for homeowners who purchase an energy efficient home or who make energy-saving renovations to their existing homes.

● (1155)

CMHC also eliminated its mortgage insurance premiums on rental projects under both phases of the affordable housing initiative and other projects with rents that are low enough to meet the needs of households who qualify for social housing. This will result in significant savings to sponsor groups in the order of $300,000 on a $5 million loan with a loan to value of 95%.

For affordable rental housing projects that meet the criteria of CMHC's partnership flexibilities, CMHC implemented a further 15% reduction in mortgage loan insurance premiums. This follows on a 20% reduction announced in 2003, for a total reduction of 35% below the premiums that are charged for regular market housing. For a project with a $5 million loan and a loan to value ratio of 95%, the combined benefit of these premium reductions will amount to a savings of almost $100,000.

More than 633,000 units of social housing are currently managed by CMHC provincial and municipal housing agencies or by local, non-profit organizations such as housing cooperatives and urban aboriginal groups. On behalf of the federal government, CMHC supports social housing by subsidizing these units on a cost shared basis with provincial and territorial housing agencies. If we are to successfully meet the housing challenges of tomorrow, we must continue to work in collaboration with all our partners, including all levels of government, industry and community groups, aboriginal peoples, and the social and private sectors, to build on what we have achieved so far.

Partnerships such as these are at the core of CMHC. It has only been through the active engagement of its partners and stakeholders that CMHC has been able to foster such an impressive housing legacy for the benefit of all Canadians.

Today, a wide spectrum of housing solutions in Canada involves both market and assisted housing. Through CMHC the government is demonstrating its commitment to making housing more affordable for both market and assisted housing needs on all parts of the housing continuum.

Canadians should be proud of their housing finance system. It is a system that provides low cost mortgage funds throughout the country with equal access for all Canadians in good economic times and bad.

Bill C-363 would tie the government and Parliament to an inflexible formula. Too often critics suggest that homeowners get no benefit from the purchase of mortgage insurance; that it is a cost borne by the homeowner to protect lenders. Clearly, the homeowners do benefit financially through lower interest rates, but they are also able to acquire their home earlier and benefit from the growth in home equity sooner. CMHC is also the only provider of mortgage loan insurance for rental housing, retirement and nursing homes in Canada, forms of housing that touch the lives of many Canadians.

CMHC pays claims from the premiums it charges and does this without government subsidy. As such, CMHC sets aside reserves for capitalization to ensure that it remains financially viable through good economic times and bad, and where CMHC has been able to gain efficiencies in its operations, it has passed this benefit back to Canadians through a reduction in mortgage insurance premiums.

In addition, CMHC's capital reserve helps ensure this important and effective crown corporation, which is at the heart of this country's housing finance system and remains self-funding with no need for government subsidies. Let us not deprive CMHC of its ability to do the job we have entrusted it to do for the benefit of all Canadians.

● (1200)

[*Translation*]

The Deputy Speaker: Resuming debate. The hon. member for Quebec has about five minutes left for her speech.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am pleased to speak today on this bill that was proposed by my colleague from Beauport—Limoilou.

This is a very important issue and he knows it quite well. Indeed, having been the director of the Fédération des coopératives d'habitation de Québec, Chaudière-Appalaches, he knows well the situation and the lack of commitment of this government toward the poorest in our society. In fact, when he was running for member of Parliament, he committed to making social housing one of his first battles here in the House of Commons. The bill before us today illustrates well his motivation to become a member of Parliament and to talk about this important issue.

I heard the speech of the previous speaker. However, perhaps we might also talk about one of the administrators of the CMHC who praises this corporation. Far be it from me to denigrate the corporation's work. However, as members of Parliament, our mandate is to respond to people's expectations. We must carefully look into what is happening in the field. Given the speech that I just heard, I see that the member is lacking some numbers and some sensitivity toward what is occurring with the people.

I would like to point out that 1.7 million families in Canada and 393,000 families in Quebec have extreme housing needs. The member should be aware of these figures if he wants to try and express what a majority of people are going through everyday. Some Canadians are paying 30%, 50% or even 80% of their income for suitable, adequate accommodation. One of the most important missions of the CMHC should be to help Canadians and Quebeckers secure a better standard of housing.

For a number of years now, there has been a crisis in Quebec and in Canada every year when leases are due for renewal. We know that in some regions, the vacancy rate is as low as 0.5%. There often is a shift in the population towards the inner cities. The member for Hochelaga—Maisonneuve made an eloquent speech in this regard to explain what was going on in his riding.

The situation is also alarming in Beauport—Limoilou. In the Quebec riding, the pressure is very strong because of the vacancy rate. We all know where the responsibility went: it now lies with the Quebec government that created an assistance program or investment fund to help those who could not find affordable housing.

Contrary to this government's grand-sounding speeches, it has not put new money into housing since 1994. This government's heavyweights tell us that $1 billion a year is invested by the government in social housing. However, this only pays for mortgages on the housing stock that existed prior to 1994. That hardly squares with what we heard from the Liberal Party member sitting in this House.

Today, thanks to a Bloc member, a bill was brought forward that requires no royal recommendation to transfer that huge amount lying idle in CMHC's coffers in order for it to fulfil its purpose. It is being said that by December at the latest, $4 billion in excess funds would be in the coffers. We could revert to an ancient practice according to which 1% of the monies could be earmarked for re-investment in social housing. I understand that a reserve fund is necessary, that reserves must be created and that the government must be in a position to meet challenges should mortgage insurance programs lapse into a deficit.

● (1205)

We know that this has been the case in certain years, where several mortgage loans and insurance policies were not honoured. But keeping a $4 billion surplus would be going too far. There is a margin between keeping 0% surplus in this fund and keeping $4 billion. It would have been possible to revert to an older practice and to reduce that reserve amount in the CMHC.

The Deputy Speaker: The motion sponsor is entitled to five minutes in reply to close the debate. The hon. member for Beauport—Limoilou.

Mr. Christian Simard (Beauport—Limoilou, BQ): Mr. Speaker, to close this debate, before I address Bill C-363 directly, I must comment on the wisdom of your decision to reject the necessity of a royal recommendation for this bill. That is a fundamental point.

This will also bring attention to what I would term the abusive practice of calling for royal recommendation for all private members' bills. It is really something.

We have also discovered—something we actually already knew—that CMHC's money stash falls outside the government's accounting perimeters and is part of the CMHC's own funds. It is, therefore, possible for Parliament to tell it how to dispose of this money, which is not new money. If CMHC is incapable of using its funding properly, if it finds things too hot, let it get out of the kitchen. The needs are enormous.

It is, moreover, important to point out, for the benefit of my eminent colleague from Souris—Moose Mountain, that Parliament unfortunately has no control over this money that is with CMHC. Bill C-363 will give it that control; it proposes that CMHC's ability to squirrel away surpluses be limited, as these amounts take on immoral and distasteful proportions. The bill would encourage reasonable management of the reserve. If these amounts are not used for fulfilling CMHC's mission, that is providing affordable housing and social housing to all Canadians and all Quebeckers, let it hand that money over to the provinces proportional to their population. They have jurisdiction over this area and acquit themselves very well of that responsibility.

Why a bill on CMHC surplus funds? Because of the huge proportions they have taken on. We have also learned through this debate that 1.7 million households allocate over 30% of their incomes to housing. Of that number, close to 400,000 are in Quebec. Another enlightening figure: 100,000 households in Quebec alone allocate over 80% of their incomes to housing. What does this leave them to feed and clothe themselves? This is a disgrace.

Add to this the fact that CMHC has a $4 billion surplus, and we have a disgrace that makes our hair stand on end. These surpluses are accumulating at a rate of nearly $1 billion per year and will exceed $8 billion in 2009. Something must be done. This is immoral.

My bill suggests that CMHC keep an over $1 billion reserve fund. However, if CMHC does not create social programs or home ownership programs, if it does not do its job, than it should let someone else do it. If it cannot stand the heat, it should get out of the kitchen. That is the sole aim of this bill.

I want to convince my Conservative Party colleagues that this bill deserves their unequivocal support, not their opposition. Why? Because it corrects the fiscal imbalance and, to a certain extent, it recognizes the areas under provincial jurisdiction. In my opinion, the Conservative Party officially opposes the fiscal imbalance and believes that each level of government must do the job it has been assigned to do. In terms of housing, the work is often done in the community, and the provinces are often the ones who do it best.

So, the Conservative Party should support this bill. Furthermore, it gives Parliament control over something that is not subject to any controls by CMHC. It would be easy to believe that CMHC is a good administrator, since it has a $4 billion surplus. I have even heard a Conservative MP congratulate CMHC on having a $4 billion surplus and say that, like the private sector, it had done a good job. However, this is a crown corporation that has a mission to fulfill, and that mission is not making a profit.

It would be easy to believe that CMHC is well managed. As I recall, the sponsorship scandal shed light on management practices that were far from beneficial to CMHC's image and logo. Contracts and other things were distributed through Mr. Guité and managers. So, CMHC suffers from mismanagement, astronomical surpluses and bureaucracy, and fails to provide solutions for those in need.

I thank the members of the NDP who have supported me with regard to this bill. I urge the Liberal members to think beyond party lines and consider the well-being of families and individuals.

● (1210)

Bill C-363 does not limit the role of CMHC but rather indicates that, if it does not have the know-how, it should ask for help.

The Deputy Speaker: It being 12:12 p.m., the hour provided for the consideration of private members' business has expired.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, October 5, 2005, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT

The House proceeded to the consideration of Bill C-11, an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings, as reported (with amendment) from the committee.

[*English*]

SPEAKERS' RULING

The Deputy Speaker: There are 47 motions in amendment standing on the notice paper for the report stage of Bill C-11.

Motions Nos. 1 to 47 will be grouped for debate and voted upon according to the voting pattern available at the table.

● (1215)

[*Translation*]

I will now put Motions Nos. 1 to 47 to the House.

[*English*]

MOTIONS IN AMENDMENT

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.) moved:

Motion No. 1

— That Bill C-11, in Clause 2, be amended by adding after line 9 on page 2 the following:

""Commissioner" means the Public Sector Integrity Commissioner appointed under subsection 39.1(1)."

Motion No. 2

— That Bill C-11, in Clause 2.1, be amended by replacing line 30 on page 3 with the following:

"Commissioner of the Royal Canadian Mounted Police as a chief executive in respect"

Motion No. 3

— That Bill C-11, in Clause 13, be amended by

a) replacing lines 42 to 44 on page 6 with the following:

"13. (1) A public servant may disclose information referred to in section 12 to the Commissioner if"

b) replacing lines 17 to 22 on page 7 with the following:

"servant to disclose to the Commissioner a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies or any information that is subject to solicitor-client privilege. The Commissioner may not use the confidence or"

Motion No. 4

— That Bill C-11, in Clause 14, be amended by replacing lines 24 to 31 on page 7 with the following:

"14. A disclosure that a public servant is entitled to make under section 13 that concerns the Office of the Public Sector Integrity Commissioner may be made to the Auditor General of Canada who has, in relation to that disclosure, the powers, duties and protections of the Commissioner under this Act."

Motion No. 5

— That Bill C-11, in Clause 20, be amended by replacing lines 30 to 34 on page 10 with the following:

"to the Commissioner in respect of the reprisal during the 60-day period referred to in paragraph (a) and the Commissioner has decided to deal with the disclosure, 60 days after the Commissioner reports"

Motion No. 6

— That Bill C-11, in Clause 20, be amended by replacing lines 6 and 7 on page 12 with the following:

"(7) The Commissioner has standing in any proceedings"

Motion No. 7

— That Bill C-11 be amended by replacing the heading before line 1 on page 14 with the following:

"DUTIES OF THE COMMISSIONER"

Motion No. 8

— That Bill C-11, in Clause 22, be amended by replacing lines 1 and 2 on page 14 with the following:

"22. The duties of the Commissioner under this Act are to"

Motion No. 9

— That Bill C-11, in Clause 23, be amended

(a) by replacing lines 1 and 2 on page 15 with the following:

"23. (1) The Commissioner may not deal with a disclosure"

(b) deleting lines 15 to 23 on page 15.

Motion No. 10

— That Bill C-11, in Clause 24, be amended by

a) replacing lines 24 and 25 on page 15 with the following:

"24. (1) The Commissioner may refuse to deal with a dis-"

(b) replacing lines 1 and 2 on page 16 with the following:

"(2) The Commissioner must refuse to deal with a"

(c) replacing line 11 on page 16 with the following:

"(3) If the Commissioner refuses to deal with a"

Motion No. 11

— That Bill C-11 be amended by deleting Clause 25.

Motion No. 12

— That Bill C-11, in Clause 26, be amended by

(a) replacing lines 27 to 29 on page 16 with the following:

"26. (1) The Commissioner may delegate to any employee of the Office of the Public Sector Integrity Commissioner any of his or her powers and"

(b) replacing line 41 on page 16 with the following:

"appear before the Commissioner or a person"

(c) replacing lines 7 to 15 on page 17 with the following:

"(2) The Commissioner may not delegate the conduct of any investigation that involves or may involve information relating to international relations, national defence, national security or the detection, prevention or suppression of criminal, subversive or hostile activities, except to one of a maximum of four officers or employees of the Office of the Public Sector Integrity Commissioner specifically designated by the Commissioner for the purpose of"

Motion No. 13

— That Bill C-11, in Clause 28, be amended by replacing lines 24 on page 17 to line 2 on page 18 with the following:

"28. (1) When commencing an investigation under this Act, the Commissioner must notify the chief executive concerned and inform that chief executive of the substance of the disclosure to which the investigation relates.

(2) The Commissioner, or the person conducting an investigation, may also notify any other person he or she considers appropriate, including every person whose acts or conduct are called into question by the disclosure to which the investigation relates, and inform that person of the substance of the disclosure.

(3) It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner, but if at any time during the course of an investigation under this Act it appears to the Commissioner that there may be sufficient grounds to make a report or recommendation that may adversely affect any individual or any portion of the public sector, the Commissioner must, before completing the"

Motion No. 14

— That Bill C-11, in Clause 29, be amended by replacing lines 9 to 14 on page 18 with the following:

"29. (1) If the Commissioner so requests, chief executives and public servants must provide him or her, or the person conducting an investigation, with any facilities, assistance, information and access to their respective offices that the Commissioner may"

Motion No. 15

— That Bill C-11, in Clause 30, be amended by replacing lines 20 to 32 on page 18 with the following:

"30. (1) In conducting any investigation under this Act, the Commissioner has all the powers of a commissioner under Part II of the Inquiries Act.

(2) Whenever the Commissioner issues a subpoena or other request or summons to a person in the exercise of any powers referred to in subsection (1), he or she must allow that person to be assisted or represented by counsel, or by any person.

(3) Before entering the premises of any portion of the public sector in the exercise of any powers under subsection (1), the Commissioner"

Motion No. 16

— That Bill C-11, in Clause 31, be amended by replacing line 40 on page 18 to line 5 on page 19 with the following:

"client privilege. The Commissioner may not use the confidence or information if it is nevertheless received under section 29 or 30.

(2) Nothing in this Act is to be construed as limiting the application of the Canada Evidence Act to investigations conducted by the Commissioner."

Motion No. 17

— That Bill C-11, in Clause 32, be amended by replacing lines 9 and 10 on page 19 with the following:

"powers in section 30, the Commissioner must consider whether"

Motion No. 18

— That Bill C-11, in Clause 33, be amended by replacing lines 15 and 16 on page 19 with the following:

"cooperating with the Commissioner, or with a person conduct-"

Motion No. 19

— That Bill C-11, in Clause 34, be amended by

a) replacing lines 28 to 30 on page 19 with the following:

"the Commissioner by a person who is not a public servant, the Commissioner has reason to believe that another"

(b) replacing line 40 on page 19 to line 3 on page 20 with the following:

"(2) The Commissioner may not, in the course of an investigation commenced under subsection (1), use a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, or information that is subject to solicitor-client privilege, if the confidence or information is disclosed to the Commissioner."

Motion No. 20

— That Bill C-11, in Clause 35, be amended by replacing lines 4 and 5 on page 20 with the following:

"35. If the Commissioner is of the opinion that a matter"

Motion No. 21

— That Bill C-11, in Clause 36, be amended by replacing lines 12 to 37 on page 20 with the following:

"36. (1) If the Commissioner has reasonable grounds to suspect that information obtained in the course of an investigation may be used in the investigation or prosecution of an alleged contravention of any Act of Parliament or of the legislature of a province, he or she may, in addition to or in lieu of continuing the investigation, remit the information, at that point in time, to a peace officer having jurisdiction to investigate the alleged contravention or to the Attorney General of Canada.

(1.1) If the information relates to the Royal Canadian Mounted Police, the Commissioner may remit the information only to the Attorney General of Canada.

(2) To maintain the separation of investigations carried out under this Act and those carried out for law enforcement purposes, after information has been remitted under subsection (1) in relation to any matter, the Commissioner may not — except in accordance with a prior judicial authorization — remit to any peace officer or to the Attorney General of Canada any further information in relation to that matter that the Commissioner obtains in the course of his or her"

Motion No. 22

— That Bill C-11, in Clause 37, be amended by replacing line 43 on page 20 to line 1 on page 21 with the following:

"Commissioner may, if he or she considers it appropriate to do so, request that the chief executive provide the Commissioner, within a time specified in the report,"

Motion No. 23

— That Bill C-11, in Clause 38, be amended by replacing lines 6 to 12 on page 21 with the following:

"38. If the Commissioner considers it necessary, he or she may report a matter to the Minister responsible for the portion of the public sector concerned or, if the matter relates to a Crown corporation, to its board or governing council, including, but not limited to, when the Commissioner is of the"

Motion No. 24

— That Bill C-11, in Clause 39, be amended by replacing line 23 on page 21 to line 16 on page 22 with the following:

"39. (1) Within three months after the end of each financial year, the Commissioner must prepare and submit to Parliament an annual report in respect of the activities of the Commissioner during that financial year.

(2) The annual report must set out

(a) the number of general inquiries relating to this Act;

(b) the number of disclosures received and the number of those that were acted on and those that were not acted on;

(c) the number of investigations commenced under this Act;

(d) the number of recommendations that the Commissioner has made and their status;

(e) whether there are any systemic problems that give rise to wrongdoings;

(f) any recommendations for improvement that the Commissioner considers appropriate; and

(g) any other matter that the Commissioner considers necessary.

(3) The Commissioner may, at any time, make a special report to Parliament referring to and commenting on any matter within the scope of his or her powers and duties under this Act if, in his or her opinion, the matter is of such urgency or importance that a report on it should not be deferred until the time provided for transmission of the annual report.

(4) Every report to Parliament made by the Commissioner shall be made by being transmitted to the Speaker of the Senate, and to the Speaker of the House of Commons, for tabling in those Houses.

(5) After it is transmitted for tabling, every report of the Commissioner stands referred to the committee of the Senate, the House of Commons or both Houses of Parliament that may be designated or established for the purpose of reviewing the Commissioner's reports."

Motion No. 25

— That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.1 (1) The Governor in Council shall, by commission under the Great Seal, appoint a Public Sector Integrity Commissioner after approval of the appointment by resolution of the Senate and House of Commons.

(2) Subject to this section, the Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

(3) The Commissioner is eligible to be re-appointed for a further term of not more than seven years.

(4) In the event of the absence or incapacity of the Commissioner, or if the office of Commissioner is vacant, the Governor in Council may appoint another qualified person to hold office instead of the Commissioner for a term of not more than six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Commissioner under this or any other Act of Parliament and be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council. "

Recommendation

(*Pursuant to Standing Order 76(3)*)

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in the following amendment to Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.1 (1) The Governor in Council shall, by commission under the Great Seal, appoint a Public Sector Integrity Commissioner after approval of the appointment by resolution of the Senate and House of Commons.

(2) Subject to this section, the Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

(3) The Commissioner is eligible to be re-appointed for a further term of not more than seven years.

(4) In the event of the absence or incapacity of the Commissioner, or if the office of Commissioner is vacant, the Governor in Council may appoint another qualified person to hold office instead of the Commissioner for a term of not more than six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Commissioner under this or any other Act of Parliament and be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council."

Motion No. 26

— That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.2 (1) The Commissioner has the rank, and all the powers, of a deputy head of a department.

(2) The Commissioner shall not hold any other office or employment in the public sector or carry on any activity that is inconsistent with his or her powers and duties."

Recommendation

(*Pursuant to Standing Order 76(3)*)

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in the following amendment to Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.2 (1) The Commissioner has the rank, and all the powers, of a deputy head of a department.

(2) The Commissioner shall not hold any other office or employment in the public sector or carry on any activity that is inconsistent with his or her powers and duties. "

Motion No. 27

— That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.3 (1) The Commissioner is to be paid the remuneration determined by the Governor in Council.

(2) The Commissioner is entitled to be paid reasonable travel and other expenses incurred in the course of his or her duties while absent from his or her ordinary place of work if he or she has been appointed to serve on a full-time basis or his or her ordinary place of residence if he or she has been appointed to serve on a part-time basis.

(3) The Commissioner is deemed to be employed in the public service for the purposes of the Public Service Superannuation Act.

(4) The Commissioner is deemed to be employed in the federal public administration for the purposes of the Government Employees Compensation Act and regulations made under section 9 of the Aeronautics Act. "

Recommendation

(*Pursuant to Standing Order 76(3)*)

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in the following amendment to Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.3 (1) The Commissioner is to be paid the remuneration determined by the Governor in Council.

(2) The Commissioner is entitled to be paid reasonable travel and other expenses incurred in the course of his or her duties while absent from his or her ordinary place of work if he or she has been appointed to serve on a full-time basis or his or her ordinary place of residence if he or she has been appointed to serve on a part-time basis.

(3) The Commissioner is deemed to be employed in the public service for the purposes of the Public Service Superannuation Act.

(4) The Commissioner is deemed to be employed in the federal public administration for the purposes of the Government Employees Compensation Act and regulations made under section 9 of the Aeronautics Act. "

Motion No. 28

— That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.4 (1) The officers and employees that are necessary to enable the Commissioner to perform his or her duties and functions are to be appointed in accordance with the Public Service Employment Act.

(2) The Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the Commissioner's work to advise and assist the Commissioner in the performance of his or her duties and functions and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of those persons. "

Recommendation

(*Pursuant to Standing Order 76(3)*)

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in the following amendment to Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

That Bill C-11 be amended by adding after line 16 on page 22 the following new clause:

"39.4 (1) The officers and employees that are necessary to enable the Commissioner to perform his or her duties and functions are to be appointed in accordance with the Public Service Employment Act.

(2) The Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the Commissioner's work to advise and assist the Commissioner in the performance of his or her duties and functions and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of those persons. "

Motion No. 29

— That Bill C-11, in Clause 40, be amended by replacing lines 22 and 23 on page 22 with the following:

"officer, the Commissioner or a person acting on behalf of or"

Motion No. 30

— That Bill C-11, in Clause 41, be amended by replacing lines 26 to 30 on page 22 with the following:

"officer or the Commissioner, or any person acting on behalf of or under the direction of a senior officer or the Commissioner, in the performance of the senior officer's, or the Commissioner's, as the case may be,"

Motion No. 31

— That Bill C-11, in Clause 43, be amended by replacing lines 6 to 8 on page 23 with the following:

"43. The Commissioner and every person acting on behalf of or under the direction of the Commissioner who"

Motion No. 32

— That Bill C-11, in Clause 44, be amended by replacing lines 16 to 20 on page 23 with the following:

"44. Unless the disclosure is required by law or permitted by this Act, the Commissioner and every person acting on behalf of or under the direction of the Commissioner shall not disclose any information that"

Motion No. 33

— That Bill C-11, in Clause 44.1, be amended by replacing lines 26 to 29 on page 23 with the following:

"information under this Act by the Commissioner or any person acting on behalf of or under his or her direction."

Motion No. 34

— That Bill C-11, in Clause 45, be amended by replacing lines 30 to 38 on page 23 with the following:

"45. No criminal or civil proceedings lie against the Commissioner, or against any person acting on behalf of or under the direction of the Commissioner, for anything done or omitted to be done, or reported or said, in good faith in the course of the exercise or performance, or purported exercise or performance, of any power or duty of the Commissioner under this Act."

Motion No. 35

— That Bill C-11, in Clause 46, be amended by replacing line 39 on page 23 to line 3 on page 24 with the following:

"46. The Commissioner or any person acting on behalf of or under the direction of the Commissioner is not a competent or compellable witness in any proceedings, other than a prosecution for an offence under this Act, in respect of any matter coming to the knowledge of the Commissioner, or"

Motion No. 36

— That Bill C-11, in Clause 47, be amended by replacing lines 11 to 16 on page 24 with the following:

"or on behalf of the Commissioner is privileged if it was said, supplied or produced in good faith; and

(b) any report under this Act made in good faith by the Commissioner is privileged, and any fair and"

Motion No. 37

— That Bill C-11, in Clause 48, be amended by replacing line 21 on page 24 with the following:

"Commissioner"

Motion No. 38

— That Bill C-11, in Clause 49, be amended by

(a) replacing lines 28 and 29 on page 24 with the following:

"Act, the Commissioner shall not disclose any information"

(b) replacing line 11 on page 25 with the following:

"(2) The Commissioner may disclose any informa-"

(c) replacing line 18 on page 25 with the following:

"(3) The Commissioner may disclose any informa-"

(d) replacing line 30 on page 25 with the following:

"permitted by subsection (3), the Commissioner must"

Motion No. 39

— That Bill C-11, in Clause 50, be amended by replacing lines 13 and 14 on page 26 with the following:

"by the Commissioner to the chief executive under this Act may"

Motion No. 40

— That Bill C-11 be amended by adding after line 11 on page 27 the following new clause:

"54.1 (1) Each person employed in the Public Service Human Resources Management Agency of Canada in the administrative unit known as the Office of the Public Service Integrity Officer assumes, on the coming into force of this section, a position in the Office of the Public Sector Integrity Commissioner.

(2) Nothing in subsection (1) is to be construed as affecting the status of any person who assumes a position in the Office of the Public Sector Integrity Commissioner by reason of that subsection."

Motion No. 41

— That Bill C-11 be amended by adding after line 11 on page 27 the following new clause:

"54.2 To the extent that the charges and expenses are in relation to the Office of the Public Service Integrity Officer, any amount appropriated, for the fiscal year in which this section comes into force, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the federal public administration within the portion of the federal public administration known as the Public Service Human Resources Management Agency of Canada, and that, on the day on which this section comes into force, is unexpended is deemed, on that day, to be an amount appropriated for defraying the charges and expenses of the Office of the Public Sector Integrity Commissioner."

Motion No. 42

— That Bill C-11 be amended by adding after line 11 on page 27 the following new clause:

"54.3 Disclosures under the Treasury Board Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace that are being dealt with on the coming into force of this section are to be continued as though they had been made under this Act."

Motion No. 43

— That Bill C-11, in Clause 55, be amended by replacing lines 25 and 26 on page 27 with the following:

"that Act, or by the Public Sector Integrity Commissioner, in relation to or as a"

Motion No. 44

— That Bill C-11, in Clause 56, be amended by replacing lines 1 and 2 on page 28 with the following:

"20. The Public Sector Integrity Commissioner, for the purposes of the Public"

Motion No. 45

— That Bill C-11, in Clause 57, be amended by replacing lines 19 and 20 on page 28 with the following:

"10(2) of that Act, or by the Public Sector Integrity Commissioner, in relation to"

Motion No. 46

— That Bill C-11, in Clause 58, be amended by replacing lines 6 and 7 on page 29 with the following:

"that Act, or by the Public Sector Integrity Commissioner, in relation to or as a"

Motion No. 47

— That Bill C-11 be amended by adding the following after line 13 on page 29:

"58.1 The schedule to the Act is amended by adding the following in alphabetical order under the heading "Other Government Institutions":

Office of the Public Sector Integrity Commissioner

Commissariat à l'intégrité du secteur public"

He said: Mr. Speaker, I appreciate members agreeing to dispense with the reading of the motions so we can get into this debate because I am here to celebrate. I am here to celebrate an awful lot of hard work by a lot of members in the House and a great many public servants and others outside this chamber.

The bill has been a long time in coming. We have had a great deal of discussion about the need for it. An enormous amount of work was done prior to this particular bill coming forward. As members will remember, an earlier bill was dealt with in a previous Parliament, and there also was a great deal of very open and straightforward debate on this that has led to substantial improvements in the bill.

In a way, what occurred in committee on this bill is what a great many of us who are concerned about the role of this chamber have always wanted to see happen. We took a difficult public policy question and we put it before the House at first reading. The government put in front of the House a structure and a proposal that it thought would work to address the issue that was at hand. The committee looked at that and it heard from many witnesses. The committee agreed to accept portions of it and decided to ask for changes in areas where it did not have the confidence to change and then made changes in areas that it could. The result of that is that we have a much better bill and one that will serve the public servants of this country and Canadians exceptionally well.

It is no secret that I came forward with a bill that was modelled on this function being handed to the Public Service Commission. The original bill had a recommendation that it be contained within the executive and was structured that way. When I was given the responsibility for this portfolio I felt there had been a great deal of concern about that in the debate on the previous bill and certainly that model was inconsistent with the recommendation that had been put forward when I was the chair of this committee in the House when we first were looking at this.

Therefore I came forward with a proposal that we would put this responsibility under the President of the Public Service Commission. I felt that was a very reasonable way to deal with this and there were lots of reasons to argue it and I shall not re-argue it because the committee disagreed with me. However the committee did not just disagree with me. It called in many witnesses and heard from many people. I have to say that I was persuaded when I heard the arguments. I also spoke to individuals who had made representations. I was trying to sort out why an independent body, such as the Public Service Commission which has nearly a 100 year history in this area, would not be an acceptable home for this.

I came to the conclusion, which hon. members had come to earlier, that this was not a satisfactory solution to this problem. I have informed the committee members of this and have given them copies of what the bill would look like with these amendments in it. I have the full support of the Prime Minister to create a new parliamentary officer who would be the home and the person responsible for carrying out these responsibilities. This office will have the same relationship to Parliament that the other parliamentary officers such as the Privacy Commissioner and others have. It is a major improvement in the bill and members of the committee are to be congratulated for the very hard work they did.

However I would like to go a step further because in a sense this is exactly what we want. In a minority House and in the period just before a potential election where some call what occurs in here the silly season as everyone vies for position and tries to make headlines, there are times when one despairs of whether or not the place will settle down and grapple with a significant and important public policy decision and there certainly were times when I despaired when hearing some of the debate.

However at the end of the day I have always been a strong believer that if a group of people are put around the table and given a complex problem, those diverse opinions will lead to something better. The work of this committee has proven this.

● (1220)

It is important to underline that the committee is chaired by the member for Vegreville—Wainwright. One of the vice-chairs is the member for Winnipeg Centre, who was also the co-chair of the subcommittee of this committee when it wrote the original report on whistleblowing. The other vice-chair is the member for Mississauga South. The membership of the committee are the following members: the member for Thunder Bay—Rainy River; the member for Saint-Maurice—Champlain; the member for Ottawa—Orléans; the member for Stormont—Dundas—South Glengarry who is my critic on this particular file and I know worked exceptionally hard on this bill; my parliamentary secretary, the hon. member for Sudbury, who again put an enormous amount of time in as we worked through all of the changes in the approach to this particular bill; the member for Elgin—Middlesex—London; the member for Lac-Saint-Louis; and the member for Rimouski-Neigette—Témiscouata—Les Basques who was herself in a former life a public servant and added a great deal of value to the debate as she tried to sort out how this would affect her work as a public servant. That is also true of the member for Stormont—Dundas—South Glengarry.

We also had the valuable advice of the member for Abbotsford who always brings a certain colour and, dare I say, unique perspective to these debates. Frankly, having worked with him many times in the past, I found his interventions quite helpful. I consulted him a couple of times as I was trying to sort out some of the testimony that I had heard.

We also had the active involvement of a couple of other individuals from this House who are not full members of the committee but nonetheless came to the committee and substituted for people and who played a very important role: the member for Nepean—Carleton who was an active participant in the debates that led to the creation of this bill; and the member for Repentigny.

It is that community of individuals in this House from both sides who took time and energy. I know a lot of negotiation went on because some of the points of this bill and some of the positions were quite far apart.

I want to assure the members of the House that the motions that have been laid before the House are the ones I committed to putting before the House exactly as I presented them to the members. The one thing the committee did not have the competence to create, that is competence in the sense of did not have the legal authority to create, was the new office. It takes a royal recommendation because it involves the spending of more money. As the committee was going into clause by clause I committed to bringing forward those amendments. This has been done and the royal recommendation has been provided. The office can with the passage of this bill be created.

It did not stop there. I think that was the most significant change from the previous legislation but there were other changes. The scope of the bill has been broadened. The RCMP, which was initially excluded from the bill, is now included in the bill. The definition of wrongdoing has been clarified to make it clear that wrongdoing includes any activity in or relating to the public sector, not just activities of public servants.

More flexibility has been given to the labour boards to extend the deadlines for reprisal complaints. Bill C-11 would truly create an environment that encourages the reporting of misconduct in the federal public sector and it would be swift to incur action to deal with allegations.

The bill now allows for providing temporary assignments for public servants who are involved in a disclosure of wrongdoing or a reprisal complaint process in order to ensure even great protection, if necessary, during an investigation.

The bill would protect public servants making disclosures and treat fairly those against whom allegations are made. The bill now gives greater encouragement to public servants to disclose information about a possible wrongdoing. They do not require certainty about whether a wrongdoing has in fact occurred or is about to occur before making a disclosure.

In the end, the bill is not just about catching wrongdoers. It also aims to create a positive public sector climate that will support the important role that our public service plays in our parliamentary democracy.

In addition to the Treasury Board code of conduct, under the bill each public sector organization would have to establish their own code that reflects the unique circumstances within their own departments.

● (1225)

The bill also requires me, as the minister responsible for the Public Service Human Resources Management Agency of Canada, to actively promote ethical practices in the federal public sector. I think that is an important requirement.

When we went forward and began to get into this, I did quite a bit of consulting, in and outside of government. It is fine to talk about ethics, and we can frame behaviour with a set of rules, but what we really want is behaviour that comes from within.

One of the companies that is always rated very highly internationally for its ethical practices is General Electric. When I talked to people at General Electric and read about how they approach this, I found that so much of what really drives it is the inculcation of it in everything they do. It is represented in the speeches, in the instructions and in the communication that takes place in the organization at all levels, from the chairman of the board right on down. Every new person who comes into the organization is involved in it. It is not a one-time thing where they go by and post a code on the wall; it is part of the language of the organization.

I take that responsibility very seriously and will be speaking about that in the not too distant future.

I said when I came before the committee that I was looking forward to the members' input and I wanted this bill to be the best it could possibly be. I think they have achieved that and have produced a piece of legislation that will serve us very well.

In closing, I would like to recommend this bill to the House. I have noted that we have put down the amendments which I promised to put down to ensure the adjustments to this bill. I believe there may be one other amendment that is a technical change just to line up the French and English versions on an issue.

I understand that the other parties have been true to their desire to get this bill through the House. I thank them for facilitating this.

I commend the bill to the House. I again want to thank the members for it. I hope we will get speedy passage of the bill through this chamber because we still have to take it into the Senate and I know there will be a great deal of interest there. We need to have that discussion with the other place. Then perhaps we can all stand in this House and watch the proclamation of this particular piece of legislation, which the members of this House have had such a strong hand in creating.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, I thank the President of the Treasury Board for his remarks.

I thank fellow committee members of all parties who made a contribution to bringing about this bill.

I believe this bill is imperfect, but it is an improvement over the status quo. As a representative of thousands of public servants in my national capital region riding, I am honoured to have been part of the team that helped put this bill together.

There is one particular clause that leaves me with some concern. I would like to hear the comments of the Treasury Board president. It is the clause we call the cover-up clause, which gives the government the right to keep secret any information related to internal disclosures for up to five years. In other words, access to information requests could be denied on subject material related to a disclosure made by a public servant for up to five years.

Originally the government had included this cover-up clause and applied it for 20 years, but the changes we were able to secure brought it down to five. The Information Commissioner indicates to us that if this clause had been in place during the time of the Liberal sponsorship scandal, we might never have learned the details of that criminal conspiracy. I wonder if the Treasury Board president would agree that this particular clause should be revisited and removed.

● (1230)

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. I want to be absolutely sure that this suggestion of a criminal conspiracy was not somehow attributed to the minister or to others in regard to what he was talking about.

The Deputy Speaker: I did listen carefully. Those types of words of course ring alarm bells, but I do not believe anything was attributed to a minister, certainly nothing that I heard.

Hon. Reg Alcock: Mr. Speaker, I appreciate the opportunity to address this because I think it is a substantive issue. I am saddened by the continued attempts to characterize this as the cover-up clause. It is nothing of the sort. It is exactly the same clause that is included in the investigative procedures of any investigative body.

We must remember that the raison d'être of this organization is to expose wrongdoing. That is what it is for. All the processes drive toward a process which does that. It is well documented in the legislation for other investigative bodies. If we were to speak to the Auditor General, she would stand before us and say that she seeks exactly the same protection for investigative notes. Members will note that in the bill we allow public servants to make allegations without evidence. They can make any allegation they want and that allegation gets treated properly.

This is the position of those who have conducted investigations. If we want them to be as free and fulsome in collecting information as we want, we want to allow them to collect all the information they can, but then when they are collecting it we want them to do it in an atmosphere of confidence. The product of that would come forward and we would have an independent officer of this House who would decide on the actions taken, unless members are saying they do not have confidence in the person we are creating and choosing to do this, which might raise other questions, but frankly, that person would have the ability to choose whether or not to proceed and how to proceed and all of that.

The advice given by all those who were involved in investigative bodies was for providing some protection on the notes that govern. Again, as for any action taken and the results of any investigation, that is all put on display. This is simply protecting the investigative notes because of the possibility of collecting information that turns out not to be indicative of any wrongdoing. As for this sense of criminal conspiracy, I just think it is rather sad, frankly, that we have this kind of conversation.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, first, I want to say to the president of the Treasury Board that I am very pleased that a first step has been taken to protect whistleblowers. You will appreciate that I myself am introducing a bill, Bill C-360, which is aimed at helping victims or at recognizing the negative effects of psychological harassment on federal public servants.

Since I became a member of Parliament, a huge number of federal public servants have denounced not scandals, but very small things to their immediate supervisor or simply within their department. Indeed, they have suffered psychological harassment. I would like the president of the Treasury Board to respond to me on this. The important thing for people who have had problems because they disclosed wrongdoings is to know whether the bill provides protection measures for public servants who denounce some situations. If there are protection measures, what are they? How far are we going to go? Are we going to ensure that people who deal with cases of whistleblowing have the qualifications required to respond to the victims' psychological needs and to recognize psychological harassment?

[*English*]

Hon. Reg Alcock: Mr. Speaker, I thank the member for her comments, but I want to differentiate between what this particular bill covers and the topic of psychological harassment that she is raising, because this bill is not constituted to deal with a workplace issue of that sort.

That is not to say it is not an important issue and should not be dealt with in other ways. I will obtain a copy of her bill and have a look at it. If she would like to meet with me to discuss this outside the House, I would be more than willing to do so.

It is interesting in a way, because it was one of the reasons why I thought going to the Public Service Commission was an interesting choice. The problem is that we can do some things, particularly in larger organizations on more complex problems, to protect the identity of the person bringing forward the problem, but in a lot of cases we cannot. In a lot of cases it is kind of known within the organization. One of the concerns was about how we protect someone who has legitimately brought forward a case of actual wrongdoing, because there are other problems.

Britain has legislation like this. One of the complexities it found is that what starts out as a claim of wrongdoing turns out to be a personnel or HR matter because someone got passed over for a promotion or something. All of that has to be sorted out in dealing with wrongdoing.

In cases where people have brought forward substantive cases of wrongdoing, within the act there is a requirement that they be protected. As well, if there are any attempts to deal with them later on in their careers as a result of their actions in this matter, there are remedies for that.

One of the reasons why I thought the Public Service Commission was interesting was that it, by definition, is the body that would follow them for the rest of their careers and be able to extend some of that protection, but between the public sector management agency and the new House officer, we have the tools to provide that kind of protection.

● (1235)

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I have two questions for the minister.

First, why did this minister and the government fight for two years, kicking and scratching, before they agreed to put into this legislation the independent office for people to report to? It was in the first piece of legislation and they refused to change it in the second piece. It was only good work on the part of the committee that made it happen.

Second, there is a five year review built in. What if the committee finds changes are needed in a year, assuming this government is still in power? Will the minister be open to making those changes before the five year review?

Hon. Reg Alcock: Mr. Speaker, I will refrain from responding in the same tone. I think the member is asking me if I will now commit to making changes in a bill that has not yet been proclaimed or enacted and on which we have not yet seen anything done. I would hope that we would at least allow the commissioner to get in place, allow the process to work and evaluate the outcomes.

I think what we have is a robust piece of legislation that is a major improvement in the way we deal with the public service. I think we should give it a chance to succeed. The purpose of a five year review is to bring it back before the House and let people have a look at it, but to announce it dead before it arrives I think is unfortunate.

[*Translation*]

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Mr. Speaker, I will be sharing my time with the member for Vegreville—Wainwright.

[*English*]

I would like to compliment the President of the Treasury Board on the fact that he was open-minded enough to allow committee members to effect changes to this piece of legislation that they felt needed a lot of improvement. I appreciate the fact that he was able to consider the changes that we put forth and was open-minded enough to recognize that those changes had to be put into effect.

I also think that we must have worried him some because I notice he has come back to this session of Parliament much reduced in weight from when he left. I assume that is because we worried him so much with all the changes we were requesting.

It has always been the Conservative Party's policy to protect public servants who expose corruption. That is why we felt it was necessary to create a truly independent officer to hear and investigate disclosures from public servants. It now finally appears that the government has given in to that demand.

For years the Liberal government has ignored the demands of accountability experts, public servants, opposition parties and even the House of Commons committee on government operations by delaying this issue and resisting amendments to make this legislation truly effective.

I remember meeting with the President of the Treasury Board in his office before the bill was presented in the House. When he told me what the bill was going to consist of, I told him that in my mind it would have no credibility with public servants because it lacked an independent commissioner. Our differences began there, but we have worked hard at resolving those differences. I think we have a better piece of legislation as a result.

The thing that concerns me is that the government has reintroduced a bill that actually has not changed from the bill it introduced in the last Parliament. I am not sure whether that is just an arrogant government used to operating with a majority, but it did not take long for it to realize that things have changed. It is now a minority government and it has to do business a little differently. It seems that the government is working more effectively in this session of Parliament than in previous sessions because we are making improvements to legislation.

The bill was introduced last fall, and it was not until June 16 of this year that it became clear to the President of the Treasury Board that the bill as written by the government would not be accepted by the committee. No member of the committee was prepared to accept the bill, so the Liberals backed down and promised to create an independent integrity commissioner. I am pleased they decided to do that.

Even then we were hesitant to approve the changes until we actually saw the text of the provisions creating the independent body. The Liberals tried to tell us that the original bill created an independent process, which was untrue of course, and we wanted to ensure this legislation was not just another attempt to pull the wool over the committee's eyes.

Conservative members of the government operations committee have now reviewed these amendments in detail and we are satisfied that most of our demands have been met. We will therefore allow this legislation to pass at second reading and report stage after fair and reasonable debate.

Our support for the bill is qualified because it still remains flawed. For example, it would allow the government to conceal information revealed internally by whistleblowers for five years. The Liberals originally wanted to keep such matters hidden for 20 years, so this is a slight improvement. The Conservative Party would like to see, and we are going to insist, that this cover-up clause be eliminated completely.

● (1240)

The bill would allow cabinet to remove certain agencies, crown corporations and other bodies from the scope of the legislation whenever the government sees fit. The Conservative Party would take away that cabinet power to cover up corrections in agencies and crown corporations. These flaws are serious, but we do not believe they are fatal.

We will pass the legislation because it would put in place the basic structure needed to protect public servants who expose corruption. The problems I mentioned will be addressed by a future Conservative government.

I cannot emphasize enough how important the bill is for public servants and Canadian taxpayers. If this kind of legislation with the Conservative amendments had been in effect years ago, the waste that resulted from the sponsorship scandal, BSE and the Dingwall spending scandal, and countless similar spending scandals could have been nipped in the bud. I believe the legislation, although still imperfect, is a good first step toward cleaning up the way government is run.

I credit my Conservative colleagues for their excellent work in committee to create an independent commissioner, to hear and protect whistleblowers. I thank all members of the committee. There was a lot of hard work by all members of the committee. We came up with what I think, as the President of Treasury Board said, is a workable piece of legislation that still needs improvement but one that we are going to work on.

One of the improvements we were able to make, thanks to the hard work and the insistence of my colleague from Nepean—Carleton, was that the RCMP be included in the legislation. I am pleased that we won that and that is thanks to my colleague from Nepean—Carleton.

During committee hearings we heard from somewhere in the neighbourhood of 15 to 20 witnesses and without fail, every one of them told us that, unless we had an independent commissioner, the legislation would probably be of no value. I must thank those witnesses because many of them had lost their jobs over having the integrity to come forth when they saw something that was inappropriate in government. We heard harrowing stories, one after the other, where public servants who had been working for 25 years or 30 years who had come forth with an account of wrongdoing and consequently lost their jobs because they had come forth. The legislation will ensure that it does not happen to future public servants.

I spent 22 years as a public servant. I am very proud of my time in the public service. I must say though that during that 22 years I saw incidents that I am not very proud of and I am sure that the government would not be very proud if it knew what was going on in some of the departments.

I saw cases where it got so bad that staff would not talk to a supervisor without having witnesses because they were fearful of recrimination. That, hopefully, will be stopped with this current legislation.

The legislation says that the Parliament of Canada, we the government, believes that each and every member of the public service is a worthwhile individual and deserves the support and protection of Parliament. I am so proud to have had a part in the legislation that will bring that forth.

As a Conservative member of Parliament I am proud to stand in the House on behalf of my former public service colleagues throughout Canada and in fact, around the world, and tell them that, although the legislation is not perfect, I am proud of what our committee accomplished and I will continue to work at protecting such a fine group of people.

● (1245)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, there was maybe not a fulsome disclosure in the speech about what exactly the bill is addressing. I think it is addressing wrongdoings. It is not maybe as advertised, but somehow a tool for corrupt governments.

The act under section 8, and it is important to have it on record, relates to those working in the public sector. Public servants are defined now as basically everyone, all crown corporations and agencies. The only exclusions are CSIS and the military for reasons with which the committee was satisfied.

Wrongdoings constitute a contravention of any act of Parliament or a legislature of a province or any regulations under those acts; a misuse of public funds or public assets; gross mismanagement in the public sector; an act or omission that creates a substantial or specific danger to the life, health or safety of persons or the environment, other than a danger that is inherent in the performance of those duties; a serious breach of the code of conduct, which each of the departments, agencies and corporations have to set up under the act; the taking of reprisals, which means going back on an employee who became a whistleblower; and finally, knowing directly or counselling a person to commit a wrongdoing set out in any of the previous paragraphs. Would the member care to comment?

It is extremely important that we understand that the success of Bill C-11, this whistleblower legislation, requires the support and confidence of the public service. We must make absolutely sure that as we move this forward, as we introduce it to Canadians and to the public service, we be very clear on what the bill does and does not do. It certainly does cover anyone who touches any of those areas of wrongdoing. It could include anybody in the civil service. It could include any member of Parliament, any minister or any other party over whom they have influence. It is much more substantive than simply putting it under the umbrella of dealing with corrupt government.

I would ask the member if he would set the tone for public servants, so that they understand that the committee worked hard to ensure that the best interests of our valued public servants was being put first.

● (1250)

Mr. Guy Lauzon: Madam Speaker, there is nothing I would love more than to set the record straight for the public servants. I will give the House a very brief description of what the witnesses we heard at committee recounted. There was a gentleman by the name of Corporal Reid, an RCMP officer for something like 28 years of service, who lost his career because he stood against wrongdoing and corruption.

Regarding the BSE crisis, a gentleman by the name of Shiv Chopra and some of his colleagues were fired from Health Canada because of their concerns about BSE testing and prevention. We also have the testimony of Allan Cutler who revealed the sponsorship scandal.

If the bill had been in effect, those people would not have suffered the emotional damage which they had to go through for years and the loss of their employment. Yes, I am very proud of this new legislation which will prevent that and we will never have to live with those kinds of things in the future.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I have a question for my colleague. I have listened to the debate and I am interested in what will happen after the fact. When a public service employee decides to use this legislation and files a complaint against someone within his or her own department, someone close to him or her, I am wondering if it would not be appropriate for that person to benefit from what we would call precautionary cessation of work. That person could be kept away from the workplace until the complaint is examined and settled, with full compensation of course so that he or she can live a decent life in the meantime. That was my first question. I do not know if there are such provisions in the bill; I have not seen anything like that. Perhaps my colleague could clarify this for me.

My second question is even more important. One of our colleagues mentioned this earlier: what happens if the complaint is settled, if the person comes back to work, whether or not blame was assigned to his or her immediate employer, and a few months later, the immediate employer takes revenge on that person by subjecting him or her to psychological harassment or by other means? Should this possibility not be provided for in the legislation? My colleague will introduce a private member's bill, but should there not be some kind of protection against that in the bill?

Mr. Guy Lauzon: Madam Speaker, I thank my colleague for his question. The commissioner will have the power to deal with any case of harassment in the workplace. The commissioner will be required to take charge of these situations and solve the problem.

● (1255)

[*English*]

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Madam Speaker, I am pleased the House finally has started debate on Bill C-11 to enact whistleblower legislation. This is the second legislation that has come to the House to deal with whistleblowers.

A couple of years ago Bill C-25 was introduced in the House, but it was rejected by the committee because of a few things, one key thing being the independent officer of Parliament to which whistleblowers would report was not in place. In spite of that, when Bill C-11 came to committee, that was still the case. No independent office was set up so whistleblowers could comfortably and confidently report without having the filter of a minister.

This demonstrates better than anything else that we cannot trust the government to make itself accountable for waste and corruption. Should we expect the Liberals to bring forward legislation that could clean up a systematic corruption in their government? I think not. We saw it with David Dingwall last week and we saw it with the sponsorship scandal. The government is not to be trusted with Canadians' tax dollars. It seems to be more concerned about taking care of its friends and quite frankly the Liberal Party.

What the Liberals have done with this whistleblower legislation is no different. Their bill was totally rejected by the government operations and estimates committee and was substantially and fundamentally rewritten. It had to be rewritten before the all party committee of the House of Commons would accept it. When civil servants see corrupt activity, they should be able to blow the whistle without retribution.

Bill C-11 is a triumph of committee work. The committee, consisting of members from all parties, should be proud of the work it has done with the legislation. They have taken a weak bill, which was totally unacceptable, and made it into a bill which is not perfect, but at least it is a starting point. It would allow whistleblowers to come forward with confidence and report wrongdoing. Had the legislation been in place before the sponsorship scandal, it probably would have prevented that from happening.

It is key legislation, probably the most important the government has brought forth in the last two years.

By producing the legislation, which will better protect whistleblowers, the government operations committee has demonstrated how effective committees of Parliament can be. Public servants and members of the RCMP, which was an amendment made by the committee, would have been protected by the new legislation had it been in place at the time of their disclosure. I am speaking about public servants and members of the RCMP who, because there was no legislation like this, had their careers destroyed and their lives torn to shreds. We heard from some of them at committee, and I believe most members of Parliament have heard from others. Again, it is not perfect but it will go a long way to improving the situation.

I am astounded that the government fought so long and so hard to keep the control over the office of the whistleblowers in the hands of a minister so it could filter anything that went to it. I want to talk about what happened in that regard.

Bill C-25 was the first legislation that came forth about two years ago. The committee heard from several witnesses. I was a member of that committee. In fact, the current minister in charge of the Treasury Board was chair of the government operations and estimates committee at that time. Every witness who came before the committee said that the legislation would be worthless if the government did not have an independent officer to whom they could report. What did the government do? It brought back Bill C-11 with an office of the whistleblowers which would answer to a minister, not directly to Parliament.

● (1300)

The committee heard from about 20 witnesses. Again, they all said the same thing, that among other changes it was absolutely essential to have an independent office for whistleblowers to which they could report.

When did the government finally give in on this? It was about June 16. On about June 14 the critic for the Treasury Board, the member for Stormont—Dundas—South Glengarry, asked a question of the minister in the House. It was a very respectful question, pointing out that the committee was bogged down, that the legislation would be thrown out by the committee if an independent office was not put in place. At that time the minister made no guarantee that he and his cabinet would agree to put in place an independent office.

On June 16 that same member put an ultimatum before the government. The ultimatum was delivered in question period in the form of a question to the President of the Treasury Board. I wish to read it so people can see what happened here. The member said that he had asked the President of the Treasury Board whether he was prepared to create an independent office to protect whistleblowers and investigate their disclosures. He went on to say that the Conservative Party, with the backing of every single stakeholder and expert, had been making this demand consistently both in the House and in committee ever since the Liberals tabled their worst and useless whistleblower bill. Then he said:

> The dithering has to end now. I have an ultimatum for the minister: either he amends his bill to create an independent commissioner who reports directly to Parliament, or the Conservative Party will make sure this bill dies in committee. Independence or death, which will it be?

A bit of theatrics, but that is the question delivered by the member. It was an extremely important question. Again, no satisfactory answer.

The member delivered the ultimatum again and said, "Will the minister take it or leave it?" He still would make no commitment. However, less than 24 hours later the government against all of its efforts was forced to do the right, to back up and agree with the committee to put in place an independent office so whistleblowers could report to an officer of Parliament, set up similar to the Auditor General. If it did not, the bill would be defeated.

It is very unfortunate when we have to resort to threats, but when it comes to protecting our public servants and protecting the integrity of the public service, at that time we will use whatever measures we have to use to make things happen. That ultimatum worked. As a result of that, the independent office was put in place. That was a key part to making the legislation work.

There were several other areas which were absolutely needed as well. Allegations without evidence would now be allowed to be brought forth by whistleblowers. That was a key change to the legislation. Otherwise how would the public service get absolute evidence? It is just about impossible. Allowing allegations without having actual evidence proves this was a key change, again made by the committee under pressure.

Another key change was that a whistleblower would not necessarily have to report to his or her immediate supervisor. Imagine how ineffective the legislation would be had a whistleblower been forced to report directly to an immediate supervisor. The Liberals backed off on that one. Now whistleblowers can go directly to the commissioner should they choose. This is an important change.

Reducing the information secrecy period was a great concern to many on the committee. In the legislation there was a 20 year period where information regarding what the whistleblower brought forth and the discussions that went on around it was protected. I believe that was a cover-up protection. It would allow a government to protect the information from the general public and opposition parties for 20 years. That is completely unacceptable. The committee had it changed to five years. It is not a total victory by any means, but it is progress.

These changes and many others were made by the government operations and estimates committee. The committee really demonstrated that a committee of Parliament could work effectively and it did. I am proud of all the members of the committee.

● (1305)

It also went to show that the government will resist any change to make it more accountable. The government will resist to a point that it takes an unbelievable push to make the necessary changes. We did that. The committee should be proud.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I noted that during the member's comments he referred to the existence of an independent person looking into the investigatory side of the whistleblowing legislation. He said that the president of the Public Service Commission was not acceptable because that person would somehow be filtered by the minister. I am not sure exactly how that would happen. I know that under the applicable legislation with regard to the public service the president of the Public Service Commission does his or her own report. It happens to be tabled in the House by the minister but it is certainly not written by the minister. I am a little curious about that.

I am asking the next question quite sincerely. There seems to be a misunderstanding that a question in the House was a pivotal moment in determining that there was going to be pressure and that we were going to have an independent officer. The member will certainly recall, because the letter is under his signature on behalf of the committee, that at the committee meeting, immediately preceding the question that the member posed to the minister in the House, we agreed unanimously as a committee and sent to the minister our letter recommending the creation of an independent officer as a consequence of all of the hearings. It was the witnesses who gave us the foundation on which we could make that recommendation.

Why is the member suggesting that somehow a member's question in question period was the reason we did something when clearly the minutes of our committee meeting will show that immediately preceding, the committee unanimously agreed to make that recommendation to the minister?

Mr. Leon Benoit: Madam Speaker, maybe the member is getting a little petty. Really, which of these events had the most impact is hard to judge. The committee certainly pushed hard but in the end it is a fact that within 24 hours of the time the ultimatum was given in question period the action was taken. That is all I am going by. I am only stating the facts.

On the issue of the Public Service Commission, every witness rejected the concept of having the Public Service Commission be the whistleblower office. That the member would suggest it would still be okay absolutely astounds me. Clearly the independence is not there. Who chooses the public service commissioner? The Prime Minister and cabinet. Clearly there is not independence to the level that we absolutely need. All the witnesses made that clear. The committee pushed for that and, as I said, I am extremely proud of the committee for the work it did.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Madam Speaker, I would like to speak on the same subject as the member of Mississauga South, who often rises in the House.

The chairman of the Standing Committee on Government Operations and Estimates, who just made a speech on that subject, is talking about the ultimatum given by the Conservatives regarding the appointment of an independent integrity commissioner. I would like him to tell us, in his capacity as chairman of the committee, if, apart from Mrs. Barrados, the President of the Public Service Commission, who knows about the committee's hearing, he has heard one single witness say that this should be done before the Public Service Commission and not before an independent commissioner.

Are we talking only about the Conservatives or about all the witnesses? I would like him to identify one single witness who disagreed with the Bloc, the Conservatives or the committee's unanimous decision.

● (1310)

[*English*]

Mr. Leon Benoit: Madam Speaker, I give my Bloc colleague full credit for the work he has done at committee.

Clearly, every single one of the witnesses said that we need an independent office and the government still would not deliver. It was great pressure on the part of the NDP members, the Bloc members, the Conservative members and some of the Liberal members, quite frankly, that made this happen and they should all take credit for that.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Madam Speaker, I am pleased to have this second opportunity to speak to Bill C-11. I will remind hon. members that I spoke on this same bill in this House on Thursday, October 4, 2004. It will be interesting to look at the way the bill has evolved in keeping with the position of the Bloc Québécois and of members of all parties. On Thursday, October 4, 2004, when Bill C-11 was before the House prior to referral to committee, I said:

> However, we will give this minority government the benefit of the doubt and see whether the Liberals will listen to us at committee and be open to making a few amendments, as far as the legislative process allows.

Subsequent to that wish, 47 amendments were proposed. There were problems, however, and I will quote myself again on that:

> If the Liberals really want to make this a credible position; if they really want to honour part of the promise in their 1993 red book to restore confidence in the public service, elected officials and the government; then they must establish an independent position of commissioner with this bill. We said this about Bill C-25 and we say it again, and so do the Conservatives.

In another part of that same speech, I made reference to clause 24 (1) of the bill:

> 24.(1) The President of the Public Service Commission may refuse to deal with a disclosure if he or she is of the opinion that:
>
> (a) the public servant has failed to exhaust other procedures otherwise reasonably available;

That was the second problem we pointed out in 2004. I ended my speech as follows:

> We hope that the Liberals will act in good faith and with an open mind.

Following that speech, there were eight months of discussions in committee. Many witnesses were heard, and 47 amendments have been presented today with a view to improving Bill C-11, to making it better.

A brief aside here, if I may, to mention the contribution made by someone who worked with me throughout the entire committee process and who is no longer here, because he was an intern. I wish to comment on the excellence of the program, and also of the intern in question. Jeff Bell, of British Columbia, was with me in committee for five of those eight months, for which I was very grateful.

We heard a number of very key witnesses, including Mr. Edward Keyserlingk, who gave us his comments on the actual situation. He was the public service integrity officer and he asked that this Treasury Board policy become law, so that the integrity commissioner would have all the necessary tools to do his job properly.

We heard many things regarding Bill C-11, but I think this legislation can be defined in three very specific points. Usually, when I begin a speech, I always remind people of the issue being discussed. We are debating Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings. Let us summarize its content. The public servants who worked on it and who were with us throughout the process might find this summary somewhat simplistic. However, for the general public—those who are interested can read the whole bill—this legislation basically covers the three points that follow.

Bill C-11 provides for the appointment of an independent public service integrity commissioner. My friends from the Conservative Party said that it was thanks to them, to their ultimatum and to their good work, because they are good, strong and powerful. However, I managed to get them to recognize that this measure had been requested by everyone. Indeed, the Bloc Québécois and the NDP asked for it, as did all the witnesses heard, this since the beginning. There is unquestionably a degree of open-mindedness. First, the Liberals asked that this be put in the hands of the Public Service Commission. In response to the hon. member for Mississauga Centre, I will say that the main problem was that it was the minister who was tabling the report, while we want an independent officer of the House of Commons to do so.

● (1315)

Starting with Bill C-25, which was the forerunner to Bill C-11, between Bill C-11 in its first draft and Bill C-11 as it emerged following Committee review, the main victory for all witnesses who appeared before us in Committee, for the Bloc, the NDP and the Conservatives is that an independent commissioner will be appointed along the very same lines as the Auditor General, the Commissioner of Official Languages and the Commissioner of the Environment, with all the credibility and the recognition given to independent officers of the House of Commons. They will independently—however they wish, subject to the regulations governing them—table reports directly in the House of Commons. This is a great victory for civil servants, for public service employees who will be able to report any wrongdoing to a person they trust.

Secondly, this provides a statutory and formal framework to a civil servant who wishes to disclose a wrongdoing. What is a wrongdoing? That is an interesting question the committee discussed at length. The definition can be found in clause 8 of Bill C-11. I will read some excerpts from it.

> This Act applies in respect of the following wrongdoings in or relating to the public sector:
>
> *(a)*) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act;
>
> *(b)*) a misuse of public funds or a public asset;
>
> *(c)* a gross mismanagement in the public sector;
>
> *(d)*) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, [other than a danger that is inherent in the performance of the duties or functions of a public servant];

The last part was subsequently added, account being taken of military personnel or RCMP officers. Their work can occasionally put their lives in danger.

> *(e)*) a serious breach of a code of conduct established under section 5 or 6;
>
> *(f)*) the taking of a reprisal against a public servant;
>
> [*(g)*) knowingly directing or counselling a person to commit one of the wrongdoings set out in paragraphs above.]

The concept of wrongdoing has been defined well. As the Conservatives have pointed out—mind you, I do not want to engage in sensationalism when it comes to Bill C-11—there could be cases of the abusive use of public funds or serious mismanagement. People at the Royal Canadian Mint could have used and benefited from Bill C-11 to disclose this type of problem. The sponsorship scandal and the gun registry scandal could have been avoided if Bill C-11 had been in place.

A third point was made. First, there will be an independent commissioner. Second, wrongdoing was defined and anyone witnessing a wrongdoing now has the legal ability to disclose the situation. Third, and the last main point in my opinion, is that there will be protection from reprisal.

My colleague from Terrebonne—Blainville discussed this earlier, as did my colleague from Abitibi—Témiscamingue. What happens to victims of reprisals? This also sparked lengthy discussions in committee. These questions come out in clauses 19, 20 and so on, under "Protection of persons making disclosures" in Bill C-11. Clause 19 states:

> No person shall take any reprisal against a public servant.

It is very easy to write that into a bill, but if ever any reprisals are taken, what will happen? What can be defined as reprisal measures? The bill states:

> If a public servant realizes 60 days after the date on which they knew, or in the Board's opinion ought to have known, that the reprisal was taken, then they can make a complaint.

A person discloses a wrongdoing, waits for the entire process to be settled, is transferred laterally or protected because that is the law. They resume their duties. A month or two later, they realize they are a victim of reprisal, whether psychological or otherwise. They can make a complaint to the Board. More than that, the complaint can be presented after the same deadline mentioned in subsection 3, if the Board finds it appropriate to do so under the circumstances.

● (1320)

If a long time has elapsed, six months for instance, and it feels it is appropriate, the board may hear and make a determination on a complaint by a public servant who feels that a reprisal was taken against him or her.

> On receipt of a complaint, the Board may assist the parties to the complaint to settle the complaint. The Board must hear and determine the complaint if it decides not to so assist or the complaint is not settled within a period considered by the Board to be reasonable in the circumstances.

What may be considered as a reprisal is also defined.

> If the Board determines that the complainant has been subject to a reprisal taken in contravention of section 19, the Board may, by order, require the employer or the appropriate chief executive, or any person acting on behalf of the employer or appropriate chief executive, to take all necessary measures to
>
> (*a*) permit the complainant to return to his or her duties;
>
> (*b*) reinstate the complainant or pay damages to the complainant in lieu of reinstatement if, in the Board's opinion, the relationship of trust between the parties cannot be restored;
>
> (*c*) pay to the complainant compensation in an amount not greater than the amount that, in the Board's opinion, is equivalent to the remuneration that would, but for the reprisal, have been paid to the complainant;
>
> (*d*) rescind any measure or action, including any disciplinary action, and pay compensation to the complainant in an amount not greater than—
>
> (*e*) pay to the complainant an amount equal to any expenses and any other financial losses incurred by the complainant as a direct result of the reprisal.

The committee members and myself sincerely believe that we have covered all bases to ensure that a formal framework is clearly defined so as to prevent frivolous or vexatious complaints. Think of pressure tactics for instance. We have also covered all bases to ensure that any reprisal is minimal and as difficult as possible to take against a person who has disclosed a wrongdoing.

We are not infallible however. My hon. colleague from the Conservative Party mentioned it earlier, and we want to reiterate, even though it is already in there, that this bill must be reviewed five years after coming into force. If we realize that there have been a million disclosures because the definitions are too broad or because everyone is dishonest—which I doubt very much—then we can look at what could be improved and tighten the rules. If reprisals were taken against every person who disclosed a wrongdoing, we might conclude that we misunderstood everything we heard during committee hearings.

After several months of discussions, of hearing witnesses and of negotiations, members of the Standing Committee on Governmental Operations and Estimates agreed that the three main points are the independent officer, the legislative framework to file a complaint and measures against reprisal. The members believe that these points were serious enough that we could give what I maintain is unanimous support in this House to Bill C-11, as introduced to us at this time. Of course, this support will be conditional to us being able to review this bill in five years to correct the errors that, unfortunately, we did not see while studying it.

We thus created the position of integrity commissioner. In the very unlikelihood that a wrongdoing would be committed in the Office of the Integrity Commissioner, should the Office of the Integrity Commissioner do wrongful things with public funds, a person could file a complaint before the Office of the Auditor General. Thus we believe we have established a framework for the disclosure of wrongdoings in the government.

We also changed some terms and references to give a more positive character to the bill. Indeed we now talk of "disclosure" instead of "whistleblowing" and "person who discloses" "instead of "whistleblower". Thanks to the concerted work of Conservative and Bloc Québécois members as well as certain witnesses heard, the RCMP is included in Bill C-11 whereas it was excluded previously. After five years, we will verify whether this is a good thing. However, not all RCMP services are included.

For the Bloc Québécois, this was a very enlightening committee because we worked not only for strictly political reasons, but also to provide a more adequate workplace for public service officers and public servants.

● (1325)

I would not want the bill to cast a shadow over the work of public servants as a whole and I would not want people to think that public servants are all suspicious individuals. However, thanks to this bill, we will be able to keep an eye on the work of each and every manager involved in public finances. While this is definitely not the bill's underlying objective or philosophy, unfortunately, there are still people in positions of authority who mismanage public funds. We saw it with the scandals that were mentioned earlier and that my Conservative friends are happy to remind us about. Some managers misuse public funds. The employees working under these public servants had every reason to fear reprisals for disclosing these wrongdoings.

The committee heard some sad stories. For example, three public servants at the department of Health were fired. These three scientists, who have doctorate degrees, told us that they were fired or shelved because they blew the whistle on bovine somatotropin, while their managers were adamant that they should not talk about this issue. These people are currently appealing to the civil courts, in an attempt to reintegrate their positions. The public servant who denounced the sponsorship scandal told us that he was really lucky to know someone who reintegrated him into another department, otherwise he would have been out of work. We saw how difficult it is to speak out and what the impact could be on the personal lives of these individuals, and on those of their families and friends when, after six months or a year, they would make the decision to disclose a wrongdoing. They had to put up with the reproving look of their supervisor, who would ostracize them because of their actions.

I remember another former public servant who was posted in Hong Kong. He mentioned how computer systems were open windows for those who were prepared to falsify passports for people from Asia who wanted to come to Canada. He too was fired for purportedly falsely alerting authorities when in fact he was justified in making these disclosures.

So we saw the flip side of the coin: how yesterday and today, before Bill C-11 comes into effect, those who witnessed such wrongdoing were forced to painfully disclose it. Even if only 1% or 2% of all public servants are guilty of mismanagement, the employees working under such managers must be given an official and clear framework. In my opinion, there will not be a mountain of complaints. First, the legislation will be tested when it comes into effect. Nevertheless, there will not be many complaints from the public service. Perhaps some of these complaints will be not be relevant because they can be resolved internally. The other complaints will be heard and, initially, no doubt, there will be some leading cases.

Since the government has heard that an independent commissioner is needed and since it amended the bill to reflect what stakeholders asked for in committee, I am hopeful. First, I believe that it was essential to look good after what happened. Second, I am quite hopeful that any public servants who are listening or who will find out about this bill will use it wisely.

In closing, I want to ask the government, which spends a great deal on communication and advertising, to invest a little less—but still invest—in order to inform the public service about Bill C-11 when it does come into effect. I am no expert in BBM ratings and polls, but I do not think that the entire public service is currently listening, at 1:30 p.m., to the debates in the House of Commons. First, I think that they are working. Second, I do not think that they will read *Hansard* tomorrow morning to see if we discussed a bill that might have a direct impact on them.

I am hopeful that the government will at least promote this legislation so that the public servants know what tools are at their disposal in order to disclose wrongdoing.

● (1330)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I want to thank the member for Repentigny and also his colleague from Rimouski-Neigette—Témiscouata—Les Basques for their constructive contributions to Bill C-11, which went on over an extensive period of time. Admittedly we thought we had almost lost the bill at one point, but I am very pleased that everybody stuck with it. I believe, as I think the House will show by its support, that Bill C-11 is an important step in the building of confidence within the public service of Canada as defined, which also now includes crown corporations and other agencies.

I hope that as we go through this debate we will get to some other aspects of the bill. As the member will know, one of the important messages we have to give public servants is that there is a differentiation between wrongdoings and human resources issues and that it is important to understand this is not going to become a place to which all grievances will go. It is very important for us to get that message out.

The other is that the new commissioner is going to have the same powers as any other officer of Parliament, with all of the investigatory tools necessary to do this. This is one of the important aspects in terms of protecting anonymity and giving that level of confidence to the public service that allegations will be taken seriously and that this officer, who will be subject to the scrutiny of Parliament for his or her appointment, will in fact be there to represent the best interests of all stakeholders. I ask the member for his comments on those issues.

[*Translation*]

Mr. Benoît Sauvageau: Madam Speaker, first of all, I wish to thank my colleague. There was indeed a major omission in my speech. That gives me an opportunity to underline the work done by the member for Rimouski-Neigette—Témiscouata—Les Basques, mainly in the of area of reprisal measures. I thank her for her work on the whole file, but more specifically in that area. I had forgotten to thank her in my speech. Therefore, I thank the member for giving me an opportunity to correct myself.

I have the same opinions as he does regarding allowing civil servants to disclose wrongdoings. However, this person will not be a commissioner of complaints nor a commissioner of employees' bad feelings toward the managers who supervise them. Neither will the commissioner be a human resources bureau for the entire federal public service. That is why clause 8, in paragraphs *a* to *g*, contains a very clear definition of a wrongdoing.

If a civil servant believes that he or she should have received a promotion because he or she possesses the skills to perform such duties, but does not receive that promotion, he or she will not be allowed to complain to the integrity commissioner, as this is not part of the commissioner's duties.

I will use an expression that we hear more often back home, but which other members must also hear in their ridings. Employees might feel tempted to appear on Mongrain's show or on a program like *J.E.* to say that the commissioner is not doing his or her job. In actual fact, he or she is doing the job. It is only because those cases do not fall under the commissioner's mandate.

Therefore, it is very important to specify the definition of wrongdoing and the nature of the mandate of the commissioner of integrity in the public service.

● (1335)

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, first I would like to congratulate the committee members who worked on this bill. I believe it is a huge step forward. The current public service integrity officer, Mr. Keyserlingk, who appeared before the committee, needed increased powers to have more room to manoeuvre in order to clarify many situations.

I will remind members that Mr. Keyserlingk has also met people who were victims of psychological harassment. Last year, he tried to settle twenty or so of these cases, which proved to be a rather difficult task since there is no legislation dealing with victims of psychological harassment.

I am speaking on behalf of those who are subjected to psychological harassment, those public service employees who have made disclosures and against whom a reprisal was taken, not immediately, but maybe six months, a year or two years later.

In fact, the public service is a small world. Take Correctional Service Canada for example. A public servant working in a facility like that in Cowansville is subject to psychological harassment and requests a transfer. He is reassigned to Port Cartier, but there is no guarantee that someone is not waiting for him in Port Cartier, precisely because he relocated after complaining about psychological harassment.

While Bill C-11 is a very good bill, we must recognize that there is somewhat of a flaw in that respect. The bill says that a complaint has to be made within 60 days after the date on which the complainant knew, or in the board's opinion ought to have known, that the reprisal was taken.

In reading this clause, a person who is carrying a heavy grudge because he or she was reported on, will figure, "I will wait the 60 days, but if I get my hands on him again, he better watch out". Psychological harassment is an insidious thing; it is difficult to prove. Someone may be subjected to it six months, one year or even two years later. There is no mechanism in this legislation to fully protect those who make disclosures.

Also, reference is made to a serious offence under an act. But there could be less serious offences that bother a public servant when he gets home and, because he is honest, he decides to report them. It may not be a serious offence. Let us assume that $500 or $1,000 goes missing from an officers' mess. This person will say, "This is not a serious offence; we are not talking about $1 million, but there is still $1,000 missing". Who can this person go to? Who does someone who witnesses less serious offences go to? If that person goes to her immediate supervisor and the immediate supervisor is the one who broke the rules, chances are that the situation will never be redressed. So, there are two little flaws.

I do appreciate the work done by the committee. But I believe it does not go far enough. Contrary to my hon. colleague who expects public servants to make disclosures, and many of them to do so, I bet there will not be that many. A few will make disclosures at their own risk, but their protection cannot be guaranteed afterwards. In fact, there is no guarantee that either their physical or emotional integrity will be protected.

● (1340)

Mr. Benoît Sauvageau (Repentigny, BQ): Madam Speaker, I want to thank my colleague from Terrebonne—Blainville. As for the 60-day deadline, I remind him that the complaint can be made after the deadline mentioned in subsection 3, if the Board deems it appropriate to do so under the circumstances. We need to be careful and check with the Treasury Board.

My colleague from Mississauga discussed this earlier. The public service integrity commissioner will not be a listening post who will deal with every human resource management problem. The definition of wrongdoing is very clear in clause 8. There is also the Public Service Labour Relations Board and the Public Service Commission. We have to look at who does what, who should be doing what and who is not doing their work. I think that under clause 8, the person making the complaint is protected under Bill C-19. If there is a subsequent reprisal, then the person should look into the mandate of the Public Service Commission and go to the Labour Relations Board and ask them to improve their measures against reprisal if there are gaps within these organizations. However, we must not think that the integrity commissioner is going to resolve every problem in the public service.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, it is a pleasure to rise on behalf of the New Democratic Party caucus to share our views on Bill C-11, the whistleblower bill. I note technically it has a much longer name, but those of us who have been working on it for quite some time call it what it is. It is a bill to protect whistleblowers in the public service.

Today in debating Bill C-11 in the House we are experiencing a good, graphic illustration of the advantages of a minority Parliament. I hope you will not consider it out of order for me to explain my comment, Madam Speaker.

As recently as June 2005, Bill C-11 was dead. It had been on life support for 18 or so months leading up to that, but clearly by June 2005, the wheels had fallen off the bill. The ruling party was not listening to the wishes of the majority of the members of the House of Commons, which is the opposition in this situation. Because of the unique nature of minority parliaments, the will of Parliament was heard. With a minority Parliament the elected members are able to make manifest the will of Parliament instead of just the will of government.

The important thing to remember as we begin the debate is that through a process of consultation and cooperation with the other legitimately elected members of the House of Commons, we arrived at a package that we could support. We revitalized Bill C-11 by an exercise of cooperation, which is rare in my experience as a member of Parliament.

Let me can compare the seven years that I spent as an opposition member in a majority government situation to the last 16 months as a member of Parliament in a minority government. I can say it is a great deal more gratifying to be in a minority government situation where the spirit of cooperation is what guides us in the best interests of Canadians, instead of the exercise of absolute power vested in the majority party which may hold power at any given time. We should remind ourselves that in our electoral system even that majority party may not represent the majority of Canadians. It is not unusual to form a majority government with 36% or 37% of the vote, but because of the nuances and inconsistencies in the first past the post system, that is the arrangement we have.

In beginning the debate on Bill C-11, we should acknowledge, recognize and pay tribute to this unique moment in history where we actually have all Canadians being represented in the decision making process of Parliament. It is good for Canadians. It is certainly good in this example.

Let me preface my remarks on the specifics of Bill C-11 by saying that in my experience as a working person and as a leader of a trade union in my past life, I know that good managers want to know what is going on in their enterprise and good managers welcome whistleblowing. It is only managers with something to hide who try to resist and oppose any kind of whistleblowing exercise. We should keep that in mind as we go into this process because it is this unique minority government's opportunity that may be leading us toward an era of greater transparency and accountability, ethics, morals and values, reintroducing some of those elements that have clearly slipped away in the exercise of power in recent Canadian history at the federal government level.

My party is committed to good whistleblowing legislation. I had a private member's bill to that effect. When I became a member of Parliament in 1997, one of the first bills I had commissioned by the legislative drafting people of the House of Commons was whistleblowing legislation. In my experience as an advocate for employees as a trade union representative, I know that workers are vulnerable and are put in uncomfortable situations in the workplace where they wish to come forward with evidence of wrongdoing but do not feel safe or able to do so.

● (1345)

I know that is not an infrequent experience in my own workplace, in my own working life and certainly in today's public sector. That feeling was given even more weight in my view when as members of the government operations committee, we were charged with the task of investigating the office of the Privacy Commissioner in what has become known as the Radwanski affair. Never in Canadian history has there been a more graphic illustration of the need for whistleblowing protection for employees than in that glaring example of abuse, maladministration of funds and what has been characterized as wretched excess on the part of a public servant.

Clearly the privacy commissioner of the day broke faith with the Canadian people when he used his authority to his own personal advantage. However, even though the employees in his office knew full well that these abuses were taking place, they did not feel they could come forward to anyone because under the current regime, the person they would have to report it to would be their immediate supervisor who was the culprit himself. It is an impossible, untenable situation for the worker.

Even when we provided the protection of a non-partisan standing committee of the House of Commons to interview these employees about what they knew, the employees felt compelled to bring their own lawyers. Who can they trust if they cannot trust a non-partisan, all-party committee of their elected representatives? We are supposed to be on their side, as citizens of Canada and as employees in the public service. They still could not see fit to come forward and share the information they knew without bringing their own lawyers. That, perhaps more than anything, illustrated to me that the system as it stands is broken, unfair and does not in fact protect whistleblowers. If anything, whistleblowers, if they were looking at their own best interests and the best interests of their families, would keep their lips zipped and not share the information because no one would to guarantee that they could protect them if they did come forward.

We wrestled through that and through a number of incarnations of a proposal from the government side to alter the whistleblowing regime. Successive scandals with the government made it abundantly apparent that there was a need for a change of operations as it pertained to transparency and accountability of the government. It was put off and put off until it could be ignored no more and the public outcry was such that the Liberal government could not ignore the need for whistleblowing legislation. However its first overture toward correcting the regime, which was Bill C-25, was an insult to those of us involved. It was put forward during the period of time when the Liberals had a majority government and it was a farce.

Rather than an act to protect whistleblowers, we called it an act to protect ministers from whistleblowers. It was structured in such a way that the real defence mechanism was to protect the government from people who may come forward. We criticized it in a resounding way. My colleagues from the Bloc did a comprehensive analysis of the bill and also criticized it. All 14 witnesses, the experts in the field, the leading authorities in the rights of whistleblowers, nationally and internationally, came before the committee and said that we would be better off with nothing than with what was being proposed. It was resoundingly condemned and we really had to go back to the drawing table.

At that time we struck a subcommittee. I was proud to be the co-chair of a subcommittee of the government operations committee to revisit the issue of whistleblowing and to at least develop the framework under which we could see an acceptable whistleblowing protection regime developed. I co-chaired that committee with my colleague from Laval—Les Îles and I was proud that our small working group came back with recommendations that had, I believe, captured the sentiment of the nation and the authorities and collective wisdom of the people from whom we sought input.

● (1350)

I think we were faithful to the spirit of the representations made to our small working group but what came forward was not something that we could support.

When we started the round of hearing witnesses on Bill C-25, we heard from people in the trade unions, university professors, lawyers who had represented whistleblowers in the past and even some high profile whistleblowers who said that what was being proposed by the government would not protect them. Even the public service integrity officer, Mr. Keyserlingk, told the committee that even as the integrity officer of the country if he were a civil servant he would not come forward and divulge what he knew because he did not believe he could protect those people. We then knew that we were going nowhere.

The point has been made abundantly clear that any time civil servants disclose wrongdoing it is a very courageous act on their part. They are not doing it out of any self-interest. They are doing it because they feel a moral obligation to report wrongdoing in the public interest.

I should also point out, just to give credit where credit is due, that it is a courageous act on the part of any government to introduce legitimate whistleblowing protection legislation because it is opening the door and inviting people to come forward and tell people what they know that may be critical of the government. I admire any government that puts forward legitimate whistleblowing legislation and protection. It shows a self-confidence and a commitment to honesty, integrity and transparency that should be recognized.

I believe that with Bill C-11 we are approaching the point where I can make that statement, that Bill C-11 will in fact, in this form, with some amendments and modifications, perhaps, or some adjustments in the administration and the application and the regulation of this bill, give public servants the security they need to feel comfortable coming forward.

That came through directly because of this minority government situation, where the opposition parties, in the middle of June, made it abundantly clear that this bill was dead without the adjustments that we were seeking and the key fundamental adjustment was that the integrity officer, the actual commissioner as such, has to report to Parliament not to the minister. It was such a glaring oversight in the first incarnation of this bill that the whole process led to the minister responsible or, in other words, to government. In other words, the poor public servant was put in the position of blowing the whistle on something the government was doing and the report went to, guess who, the government which has the absolute power and control in the employer-employee relationship over that individual. It was completely unworkable.

In the scenario being proposed now by an amendment by the opposition parties, the new integrity commissioner would be a free standing officer of Parliament, an independent officer who reports only to Parliament. That is the fundamental difference that we are proud to have achieved by consultation, cooperation and perseverance at committee.

I am very grateful and glad that the opposition parties had the strength and the foresight to resist the temptation to accept the earlier offers that were made. Those of us who have been engaged in the struggle for true whistleblower protection for eight years were very tempted. It is very seductive to be offered some improvement in the situation. However, wisely and collectively, we disagreed and said that we could do better. We said that if we were going to be one of the eight countries in the world with legitimate whistleblowing legislation that we had to get it right the first time. We did not want to introduce some half-assed version that would still have civil servants vulnerable if they did not read the fine print and then have to revisit that five years from now and try to correct it. It is better that we were patient and waited for a better working environment because we ended up with a better bill.

● (1355)

Bill C-11, as we know it today, has gone through the committee stage. The government referred it to the committee stage before second reading, which is significant. It is much more difficult to achieve substantial amendments after a bill has achieved second reading. The fact that the committee had it in its hands at first reading meant that the House of Commons had never voted to adopt it in principle and, therefore, this substantive fundamental change was achievable at that stage. We are doing a compressed version of debating this at second reading and report stage all at once today.

I think the public servants can take some comfort in this bill. I am hoping that with correct supervision and administration and the right regulations associated with this bill, civil servants will be protected when they come forward with knowledge of wrongdoing and that their anonymity shall be guaranteed. I hope the report does not wind up in their bosses' hands so they would know who the person was who blew the whistle. When public servants put themselves in these situations, it is not just their own futures that they are putting at risk or at stake when they disclose wrongdoing, it is their families. It is their wife's and children's futures if they lose their job, economic security, et cetera, because they came forward for no personal gain. It is a sacrifice that many civil servants would be unwilling to make.

Let us think of the benefit to the public good if whistleblowers with knowledge of wrongdoing, waste or corruption, whatever it may be, were able to come forward. The savings are of unknown benefit to the government and, by extension, to the people of Canada. If we are sincere about eliminating waste, we want to know where waste exists and we want civil servants to feel comfortable in coming forward and sharing that information with us.

It is the culture of secrecy that allows corruption to flourish. If we are sincere about stamping out corruption, we need to create an environment that is transparent and open and where public servants who have knowledge of corruption may come forward and share that without putting their own personal economic stability at risk or fear any kind of subtle reprisals that may come back to haunt them.

I should point out how critical my party was when, within a week of the introduction of the whistleblowing legislation, such as it was, the Government of Canada fired the three most prominent whistleblowers in the country. I am talking about the officials at Health Canada who had the courage to come forward and warn the Canadian public about the bovine growth hormone. Even though they were being pressured by the industry and the government to approve these hormones for general use, they said no, that they were scientists and were fearful for the well-being of Canadians. They went public and blew the whistle on that .

I think those three courageous scientists are heroes and should have been given the Order of Canada, not summarily fired by the Government of Canada. However that more than anything perhaps illustrates the vulnerability and risk that public servants find themselves in if they do divulge knowledge of wrongdoing.

Having analyzed the bill endlessly over the last many years and having watched it evolve, I can safely say that the members of the caucus of the New Democratic Party welcome the opportunity to put forward whistleblower protection in the public service. The onus will be on us, I believe, if we support the bill at these stages, to monitor and follow the administration and application of this new legislation to ensure that the intent and spirit of the legislation is delivered and lived up to by the federal government because we still have to caution public servants that they need to know exactly what their rights and protections are before they come forward.

● (1400)

I am actually heartened by the fact that there is an element contemplated in Bill C-11 that incorporates the office of the president of the Public Service Commission who may in fact advise public servants as to their rights and the process involved in the disclosure of wrongdoing under the context of Bill C-11. Perhaps this new role for the president of the Public Service Commission would be helpful and valuable to public servants who may be offered counsel and advice—

The Speaker: I regret to interrupt the hon. member, but the time allotted for his remarks has expired. He will have 10 minutes for questions and comments when debate resumes on this matter.

STATEMENTS BY MEMBERS

[*English*]

LAKEHEAD UNIVERSITY

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, it gives me great pleasure to rise today to congratulate Lakehead University on its 40th anniversary.

As an alumnus of this incredible institution, I am very proud of all that has been accomplished by the university. LU offers a broad range of degree and diploma programs within seven faculties and has over 30,000 proud alumni around the world, including one member of Parliament and my predecessor, Dr. Stan Dromisky, who was a professor.

This year over 7,400 students are enrolled in either full or part time studies. As such the school is a significant contributor to the economic and social well-being of the city of Thunder Bay and the region.

There is even a campus in Orillia and its Thunderwolves hockey team has the largest home game attendance of any Canadian university. In addition, Lakehead boasts, along with Laurentian, the first new medical school in North America in over 35 years.

Please join me in congratulating president Fred Gilbert, chancellor Lorne Everett, and all the alumni staff and faculty on this auspicious occasion.

* * *

LIBERAL GOVERNMENT

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, former Liberal cabinet minister David dinewell last year took hard working Canadian taxpayers to the cleaners, and the steak house and the country club. The total damage was a million dollars without a tip.

The Liberals' latest million dollar baby proves that when it comes to tax revenues, Liberals consider the money theirs, not yours. Tax dollar sucking political vampires like swinewell deserve more than a porterhouse stake through their hearts. Liberals say he bilked the taxpayer by following Liberal made rules. It is time to change the rules then, but do not count on this Liberal government to do it.

The Liberals originally tabled a whistleblower protection bill that left sponsorship scandal alarm sounders more exposed than sun tanners on the Italian Riviera. The Gomery commission laid bear the rampant trawling of taxpayer dollars to Liberal friends. Liberals could have acted by now to repair the breach in the ethical levy but are waiting for Gomery to change the rules for them.

For taxpayers, the Conservatives will form the next government of Canada. Hard working Canadians cannot afford more Liberal pork.

* * *

● (1405)

GASOLINE PRICES

Hon. Peter Adams (Peterborough, Lib.): Mr. Speaker, I know that gas is cheaper in Canada than in most countries, that it is difficult to lower gas taxes without windfall profits to oil companies, that truckers and others get their GST rebated, that we pass on GST revenues to municipalities for public transit, and that we should all conserve energy.

But was the recent huge spike in gas prices a reflection of a fair and open market place which should be the foundation of a healthy economy? I think not.

In the past, Liberal caucus groups led by the member for Pickering—Scarborough East have instigated inquiries into price gouging and fixing by the oil industry. These tended to show that the industry was more competitive than I thought, but that there is a serious lack of refinery capacity in Canada.

However, the recent post-hurricane spike smacks of something different. We have gone beyond price gouging into profiteering from a disaster. In wartime profiteering is a serious crime. I would suggest that it is in any human disaster.

I urge the Standing Committee on Finance to again conduct public hearings on gas prices, this time focusing on profiteering from human misery.

[*Translation*]

JEWISH NEW YEAR AND RAMADAN

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, this evening and tomorrow, the children of Israel and the children of Ishmael will be beginning an important time in their respective religious lives.

This evening, Jews throughout the world will start to celebrate Rosh Hashana, the first day of the year according to the Hebrew lunar calendar. The Jewish new year is a prelude to an intense period of reflection and introspection which culminates with Yom Kippur.

Then, tomorrow, hundreds of millions of Muslims throughout the world will begin the holy period of Ramadan, a time devoted to meditation, fasting and spiritual devotion.

These important times are an opportunity for families to come together, to renew contact with distant friends, and in particular to celebrate the strong ties that unite their communities.

The Bloc Québécois wishes the Jewish community a sincere Shana Tova and the Muslim community a good Ramadan.

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[*English*]

HUMAN RIGHTS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, Toronto defence lawyer Robert Amsterdam was recently expelled from Russia with less than 24 hours notice while working on a highly politicized case.

Agents of Putin's alma mater, the KGB or FSB, as it has been renamed under the new regime, came knocking at 1 a.m. They confiscated his passport, returning it hours later with a cancelled visa and expelled him from the country. In Vladimir Putin's Russia, the FSB is rediscovering its KGB roots.

As well, during a September 5 conference Mr. Putin bluntly told the west not to encourage democratic processes in former Soviet states as these were his turf.

A forceful message must be sent by Canada indicating its concerns about increasing violations of human rights and decreasing democratic rights that have developed under former KGB officer Putin's Russia. Perhaps we should not only reconsider Russia hosting the G-8 conference in 2006 but review the appropriateness of its membership.

TOWNSHIP OF UXBRIDGE

Ms. Bev Oda (Durham, CPC): Mr. Speaker, this summer the Township of Uxbridge launched its bicentennial celebrations.

In 1805 a group of Quakers from Catawissa, Pennsylvania, came to Uxbridge, saw the beauty and potential bounty of the area, and settled. Many more Quaker families joined them over the following years, creating a heritage for Uxbridge of hard work, strong families and enduring community spirit.

The old township grew from a hamlet into a police village and then received official village status in 1885. The new Township of Uxbridge was formed in 1973 and today includes communities such as Altona, Goodwood, Siloam, Leaskdale and Zephyr. From those beginnings among the hills and valleys of the northern part of Durham, we now have a lively, warm and growing community.

I was proud to be part of their bicentennial parade and Settlers Day. I want to congratulate Mayor Gerry-Lynn O'Connor, her councillors and councillor Susan Self, along with countless volunteers who have organized a year of events to celebrate this historic occasion.

Congratulations to the Township of Uxbridge on its bicentennial year.

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IMMIGRATION

Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, many Canadians would like to see a general amnesty granted to undocumented workers currently in Canada who do not have a criminal record.

Canada has more than 100,000 undocumented people who cost the economy billions in unpaid taxes. They live far from their families and toil in Canada's underground economy, earning sometimes less than a minimum wage as cleaners, nannies, in construction and in other professions. At present, they are being denied basic human rights because of their undocumented status.

I would encourage my colleagues to consider the merits of granting legal status to these thousands of undocumented workers, and allow them to adjust their status to that of permanent resident. Immigrant workers contribute to our economy and society, and deserve the basic safety net protections that all other workers enjoy.

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● (1410)

[*Translation*]

CANADIAN BROADCASTING CORPORATION

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, we were relieved to hear the announcement of the agreement in principle, pending member ratification, between the Canadian Media Guild and the CBC, after seven weeks of lockout.

Nevertheless, it is not normal for the Canadian Broadcasting Corporation to have experienced five labour disputes, three of them involving lockouts, since 1999. Given this lacklustre performance, one might well question CBC management methods.

The Corporation's management needs to learn a lesson from these numerous labour disputes, and to demonstrate the necessary openness this coming spring, when the time comes for the 1,400 or so union members in Quebec and Moncton to renew their collective agreement.

It is to be hoped that the 9.5% limit on temporary and contract workers negotiated this past weekend will serve as a guideline during the upcoming negotiations with the employees in Quebec and Moncton.

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[*English*]

ANDREW MACKAY

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, I would like to take this opportunity to recognize Captain Andrew Mackay, a resident of Ottawa—Orléans, for the bravery and skill he demonstrated on August 24.

Captain Mackay, a member of the Canadian Forces Snowbirds aerobatic squadron, was on his way to an air show in northern Ontario when he was forced to eject from his jet before it crashed into an open field west of Thunder Bay.

Realizing that he was having difficulty, he had the presence of mind to divert his jet as far away as possible from any residential area. Fortunately, no one was hurt as a result of his expertise and quick thinking.

It was the first time a Snowbird's ejection system was used other than in simulation. Captain Mackay sustained some minor injuries, but all in all, when I talked to him he was in great spirits and physical health, and was back in action only after a few days doing what he loves best, daring the odds.

Ottawa—Orléans salutes Andrew as I am sure do all members of the House. Godspeed Captain Mackay.

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ANTHONY GORDON, LEO JOHNSTON, BROCK MYROL AND PETER SCHIEMANN

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, "Maintain the right" is the motto of the RCMP and that is what four young men were trying to do when they were killed by a violent criminal near Mayerthorphe, Alberta on March 3. That was seven months ago today.

Family members continue to grieve the loss of Brock, Anthony, Leo and Peter, but they are also working to achieve something positive from this tragedy.

Last week they called for a number of changes to the criminal justice system. To promote this cause, they are asking Canadians to maintain the right and turn on their lights. Tonight Canadians can show their support and send a message to the House by turning on their porch lights between 8 p.m. and 10 p.m. If they cannot turn on their lights, then they should honk their horns. The campaign was the idea of Keith Myrol, father of Constable Brock Myrol.

This grassroots referendum of light will continue on the third evening of each month until next March. How many months will it take until the lights come on at 24 Sussex?

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WORLD HABITAT DAY

Hon. Judi Longfield (Whitby—Oshawa, Lib.): Mr. Speaker, the United Nations has designated the first Monday in October World Habitat Day, a day to reflect on our urban communities and their importance in our lives.

In 2007, for the first time in history, more than half the world's population will live in cities. This brings home the fact that the international community must pay more attention to the challenges and opportunities of urbanization, both in poor and wealthy nations.

We are going to do just that when Canada hosts the upcoming third World Urban Forum in Vancouver from June 19 to 23, 2006. It will mark the 30th anniversary of the first international cities conference, also held in Vancouver.

The Government of Canada is working in partnership with a United Nations agency, UN-Habitat, to bring together in Vancouver citizens from around the world to discuss and debate ways to strengthen the world's cities. We want everyone to come prepared to share best practices and lessons learned on urban issues to help all city dwellers improve the quality of life in their communities.

Canada's cities enrich our nation economically and culturally through the great diversity and creativity of people—

The Speaker: The hon. member for Ottawa Centre.

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ETHICS

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, former Liberal cabinet minister and lobbyist David Dingwall was paid an illegal commission of $350,000, an action that violates Treasury Board policy. Instead of blaming Mr. Dingwall for ethical wrongdoing and demanding that he repay, the Minister of Industry has taken action only against the company.

In another example of irresponsibility, the Minister of National Revenue said, following Mr. Dingwall's resignation from the Canadian Mint under a cloud of accusations, the government is actually going to give him an undisclosed severance package.

This is an abandonment of ethics in government.

Mr. Dingwall was not fired. He voluntarily resigned. There is no provision for severance pay in his contract. He will receive his MP's pension of about $77,000. Instead of giving him another undisclosed multi-thousand dollar handout, the government should demand that he repay the illegal $350,000.

* * *

● (1415)

THE WALL

Mr. Brian Pallister (Portage—Lisgar, CPC):

Mr. Speaker, we don't need no information
We're in charge of thought control
Fine wines with caviar in the back room
Hey Tories, leave those Grits alone
All in all, it's just another ding in the wall—

The Speaker: I am sure all hon. members appreciate the hon. member's singing ability, but perhaps he could do that after hours. While the House is sitting, I would urge him to stick with the spoken word, which is what he is invited to do. He has the floor for speaking.

Mr. Brian Pallister:

Our limousines are chauffeur driven
The Challenger is near our home
High on the hill where we are living
Hey Tories, leave those Grits alone
All in all, it's just another ding in the wall.

The people can't get in our golf club
But we can have them buy the balls
They'll clean our shoes and pay the tab then
Hey Tories, leave those Grits alone
All in all, it's just another ding in the wall.

* * *

[*Translation*]

INTERNATIONAL DAY OF OLDER PERSONS

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, Saturday was the 15th International Day of Older Persons, which was created by the UN to follow up on the International Plan of Action on Ageing, adopted in 1982.

Quebec's theme this year was, “What would a tree be without its roots?”.

Older persons have made Quebec what it is today through their legacy of knowledge and values, which have shaped our society. We should now assure them a decent life and in particular we should strengthen intergenerational contacts so our young people can learn from their elders.

I want to acknowledge the work that agencies for older persons do in Laval, agencies such as the Rendez-vous des aînés, Maison des grands-parents, and Place des aînés.

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[*English*]

MENTAL ILLNESS AWARENESS WEEK

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, October 3 to 10 is Mental Illness Awareness Week. Almost one in five Canadians suffers from some form of mental illness, yet so many stigmas remain. It is time for us to shed the shame and share our stories.

Bringing forward our stories will help others get proper diagnosis and treatment so they can live more productive and fulfilling lives. In turn, the public will become more aware and better informed.

I would like to especially thank this year's courageous “Faces of Mental Illness”: Narry Moussavi, Jesse Bigelow, Debbie Sesula, Pierre Levesque, Nicole Aubin, Roy Muise, Ian Pollett, Allyson Ribar, Ed Rogers, Shelley Smith and Barry Styre. I thank them for helping others.

YEAR OF THE VETERAN

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, this week the Government of Canada launched its annual Canada savings bonds campaign. At the event in the new Canadian War Museum, the Minister of Finance, together with his colleague, the Minister of Veterans Affairs, and in the presence of distinguished veterans, drew the link between today's bonds and the original victory bonds, which were issued during the second world war.

From January 1940 until war's end, Canadians poured an incredible $8.8 billion into buying these bonds to help the war effort. The Toronto *Globe and Mail*, which for a while featured the ubiquitous "V for Victory" Morse code symbol on its masthead, once devoted an entire front page to a victory bonds poster.

In this Year of the Veteran, let us recall all those who served their country, as well as all those on the home front who did their part in helping return peace and freedom to a troubled world.

ORAL QUESTIONS

[*English*]

INCOME TRUSTS

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, while the government negotiates severance with David Dingwall, it is undermining the retirement plans of ordinary Canadians.

Mary Louise in Ontario says, "This whole thing would be a joke... but none of us are laughing as our RRSP accounts evaporate due to thoughtless, ill-informed remarks and threats to destroy income trusts".

When will the Prime Minister admit that he simply blundered, back down and assure Canadians that income trusts are here to stay?

● (1420)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, far from hurting the retirement income of Canadians, it is this government that a number of years ago restructured, along with the provinces, the Canada pension plan to make sure that in fact Canadians could rely on it.

It is this Minister of Finance who in fact opened up the capacity for pension plans to invest abroad so that they had the widest possible interests. It is this government that put money into the guaranteed income supplement for the first time in a long time. It is this government that cares about retirement savings.

* * *

DAVID DINGWALL

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I will tell the House what one investment planner told me. He said, "One of the few good things this government has done is income trusts and now they have undone it".

[*Translation*]

While this government cuts back on retirement funds for the aged, and thousands of workers in the textile industry are unemployed, it still has time and money available for David Dingwall.

Can this government explain why it is negotiating a half-million-dollar arrangement for David Dingwall?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, let us be clear. It is a legal matter, not a political one. The principle is quite simple. The government will pay Mr. Dingwall only what he is legally owed and nothing more. Nonetheless, I want to assure this House that, although Mr. Dingwall stresses that he always acted appropriately, the government will require every dollar to be paid back should an independent review of his expenses raise any problems.

[*English*]

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I am going to dispute the law and the facts here. This government, we will recall, in fact did not give a severance to Alfonso Gagliano, but neither did he keep his mouth shut. That is really the issue here.

The government is negotiating a half million dollar payoff for Mr. Dingwall after he left his job voluntarily. Will the government simply admit that the real reason for this severance package is that it is hush money for David Dingwall?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, it seems the Leader of the Opposition did not hear my answer in French, so I will repeat it in English. This is a matter of law. It is not a matter of political discretion. The government will pay to Mr. Dingwall only what it is legally required to pay and not a penny more. Moreover, if the independent investigator finds that any of his expenses were inappropriate, the government will retrieve those expenses, dollar for dollar.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, how is that working with André Ouellet? It is a year later and there is not a dollar back to taxpayers.

David Dingwall has already gotten money for nothing and his Chiclets for free. Now the Prime Minister is offering Dingwall a fat severance as a final perk for his short stint at the Mint.

The fact of the matter is that we have accessed his remunerations agreement. We know it clearly establishes that there is no obligation whatsoever on the part of the government. This is purely discretionary. Will the Prime Minister admit that this severance package is nothing but a pathetic Liberal damage control deal?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, the hon. member must have written that question before I gave my answer and did not make any change. As I just explained seconds before he stood up, this is a matter of law. The government will pay the minimum that it is required to pay under the law. To the extent that independent investigation demonstrates that Mr. Dingwall made charges inappropriately, the government will retrieve those funds dollar for dollar.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, the minister obviously did not hear my question. I am asking him to prove his prudence with André Ouellet.

The minister tries to spin this as normal. This is not normal. David Dingwall resigned. This is not standard. If it is not negotiated in our agreement, tough luck. It is not fair. David Dingwall jumped out of the Liberal patronage plane and Canadians do not deserve to pay for a golden parachute. In fact, they would rather see him land without a parachute.

Are these people so far up the ivory tower that they can no longer see the ground where Canadians live, work and pay taxes?

● (1425)

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, I can only repeat what I now have said three times, that the government will pay to Mr. Dingwall a severance that is the minimum required by law. On this side of the House we believe in rule of law. We believe in a rules based system. My colleague at the Treasury Board has been working to improve those rules and has had great success. Mr. Dingwall will receive the minimum that is required by law.

* * *

[*Translation*]

FOREIGN AFFAIRS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Foreign Affairs described as harmful a bill sponsored by the Bloc Québécois, requiring Ottawa to consult with Quebec and the provinces before negotiating and concluding international treaties affecting their jurisdictions. He even urged Conservative and NDP members to vote against this legislation.

I am asking the Prime Minister to explain to us how consulting Quebec and the provinces on issues that come under their jurisdictions can be harmful.

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, I said that the Bloc's bill went a lot further than what has been said here. It was not just a question of consulting Quebec: the bill required a vote in Parliament for the signing of any international treaty.

We should keep an open mind. We must ensure that Parliament is properly consulted on these issues. However, the executive branch must preserve its responsibility regarding international treaties.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if I get it right, it is harmful to have this House vote on treaties that the government signs. What a fine vision of democracy.

My question primarily has to do with this: the term "consultation" is expressly used in the bill. Is the minister telling us that "consultation" is synonym with "veto right"? I would like an explanation on this.

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, first, I would ask the Bloc leader to respect Parliament. The latter voted against this bill. It took this stand in a very public fashion.

Also, if there is a federation in which the provinces are extremely well treated as relates to international treaties, it is definitely in ours, in the Canadian system. No province is forced to implement an international treaty in its jurisdictions if it does not wish to do so. In this respect, ours is a very decentralized federation.

I would also ask the Bloc leader not to distort my comments. According to him, I said it is Parliament that is harmful. On the contrary, I said that we have to work with Parliament regarding this issue. What is harmful is what is being said on—

The Speaker: The hon. member for Roberval—Lac-Saint-Jean.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, just before the last election, in a speech on foreign affairs delivered on May 17, 2004, in Laval, the Prime Minister said about Quebec, "It must be able to speak out on the major issues that affect it! The door must be wide open to Quebec—no ifs, ands or buts. And it will be!"

How can the Prime Minister reconcile these remarks made before the last election to woe Quebec voters in Laval and the actions of his minister, who tried to convince other members of this House that it would be harmful to consult Quebec?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, the task my hon. colleague, the Minister of Intergovernmental Affairs, and myself were assigned by the Prime Minister is precisely to implement the vision the Prime Minister has set out.

I will take the issue of cultural diversity as an example. I noted that our colleague at Canadian Heritage had done an outstanding job together with the Government of Quebec. The Government of Quebec had an opportunity to speak out, as part of the Canadian delegation, at the UNESCO conference in Shanghai. That is consistent with the commitment made by the Prime Minister. Canada speaks with a single voice, and we are totally prepared to include in this voice all of this vast country of ours, which has many things to say.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, this country is so vast and complex that the minister himself is unable to follow the Prime Minister's directions. That is the reality.

In international affairs, in spite of all we have been told about asymmetrical federalism, of the commitments made by the Prime Minister to Quebec and his remark about the door being wide open, that fact stands.

How can the Prime Minister explain that his speeches are used by his Minister of Foreign Affairs to convince the members of this House and federal parties that it is harmful to consult Quebec in areas under its jurisdiction? Actions and words do not jibe.

● (1430)

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, last week, we witnessed the Bloc's ineffectiveness. It is completely unable to do constructive work and improve the federation. It has claimed to want to improve how our federation works. Its true colours are showing, however. The Bloc Québécois is a party that is completely unable to work constructively toward improving the Canadian federation. As an opposition party, it has been ineffective. That is what is bothering it right now.

* * *

[*English*]

PENSIONS

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, across Canada, Canadians and workers are concerned about the security of their pensions. Workers are wondering whether their pensions are going to be secure and be there for them, but the government does not care much. Last spring it flatly refused a proposal in the budget negotiations to protect workers' pensions. Now we hear the governor of the Bank of Canada suggesting that the companies that are "stuck" with defined pension plans should get out of them.

When David Dodge and the big enterprises begin to speak, we know the Prime Minister is going to be listening. What guarantees can he give us today to ensure it is not going to be open season on pensions?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, as the Prime Minister referred to earlier, I would refer the hon. gentleman to the government's record. We have raised RRSP limits. We have removed restrictions on global investments. We are increasing the GIS. We are removing 240,000 seniors from the tax rolls altogether. We have rendered the Canada pension plan actuarially sound for 75 years. We have indexed the entire tax system and the social security system to protect senior citizens.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the minister did not address my question at all. I am talking about people with pension plans who find that they can lose their pensions when there is a bankruptcy. Right now, banks and other creditors stand in front of the workers who created the value in the company and those pensions represent their deferred wages. The government cares more about ensuring David Dingwall gets his pension and severance pay taken care of than caring about people whose pensions are at risk.

Why should we trust the government when it comes to pensions when it flatly refused to negotiate protection last spring?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, as the hon. gentleman may know, notwithstanding the discussions of last spring, the government already has a consultation process underway, specifically focused on defined benefit pension plans and how we can ensure their long term and viability. That is already up and running, without the suggestions that the hon. gentleman has made.

TECHNOLOGY PARTNERSHIPS CANADA

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, former Liberal cabinet minister David Dingwall received a kickback of at least $350,000 as a reward for securing a Technology Partnerships Canada grant for a biotechnology company, despite the fact that kickbacks are against the guidelines. The company, Bioniche, is considering going after Mr. Dingwall to recover its success fee, but the government refuses to go after Dingwall and is instead offering him a golden handshake.

Why is the government not putting taxpayer money first? Why will the industry minister not force David Dingwall to pay back his contingency fee?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we are recovering all the money from Bioniche. It will deal with Mr. Dingwall on the recovery of those funds.

The use of the language "kickback" is an affront to civilized debate in the House. It suggests illegality. It is illegal to be an unregistered lobbyist. It is not illegal to receive a contingency fee. It is against government policy. It was etched into contracts with companies. Those contracts were breached and we have corrected those breaches.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, the Liberals may not like the language but that is the truth. It is against Technology Partnerships Canada's own guidelines to receive contingency fees. These companies have to sign it upfront knowingly and are giving contingency fees. That is wrong. It is against the government's own guidelines.

The fact is David Dingwall is not alone. Up to 15 lobbyists may have received kickbacks for securing TPC grants. The industry minister has admitted that Dingwall is guilty and this problem is growing. Why is the industry minister refusing to go after the lobbyists who have received these kickbacks and make them repay the money they have defrauded from Canadian taxpayers?

● (1435)

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, disgusting maliciousness is what it is. There were breaches of contracts entered into by companies. We are correcting those breaches. Those companies have recourse to lobbyists. Wherever a lobbyist is not registered, it is being referred either to the RCMP or the registrar of lobbyists. We are correcting the breaches. All they are doing is muckraking because that is all they know how to do.

[*Translation*]

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, Raymond Chabot reviewed 33 randomly selected companies that had received funding under the TPC program. Eleven have violated the rules to the tune of $2.4 million. The minister was advised of this on September 16.

In order to lend credibility to his fight against corruption, when will the minister make public the names of these 11 companies? Is Mr. Dingwall involved?

[*English*]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I did undertake to give information to the House with respect to the audits being undertaken under the old TPC program. I am disclosing the information as we are able.

There are privacy laws in the country. There are access to information laws in the country. I am observing those laws. I am working with the companies. As soon as we have factual information that could be put on the table, I am presenting it to Parliament.

Again, it is a vicious guttersnipe over there.

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, that answer is a smokescreen. The fact is last election day the previous industry minister was informed that four companies violated the rules by making illegal payments from TPC. Those names were made public.

On September 16 the minister was informed that 11 companies violated the rules by making $2.4 million in illegal payments, yet he refuses to make these 11 public. The TPC lobbyists' list reads like the who's who of the Liberal Party, but even that list is unreliable since Liberals like David Dingwall did not even bother to register.

When will this minister release the 11 names and the illegal amounts involved?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, as he crawls through the gutter alleging illegal payments, these are breaches of contracts. They are not illegal payments, they are breaches of contracts. They are being corrected and the money recovered.

* * *

[*Translation*]

FOREIGN AFFAIRS

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, Bill C-260, presented by the Bloc Québécois, called for major international treaties to be submitted to the House for review before ratification by the government. After being pressured by the Minister of Foreign Affairs, even the NDP and the Conservatives refused to give Parliament this authority.

How can the Minister of Foreign Affairs say he is attuned to the voice of Quebec, when he seizes the first opportunity to convince the Conservatives and the NDP to reject a bill whose purpose is to submit major treaties to the House for approval? Why reject greater democracy? Why reject greater transparency?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, Parliament voted on this bill without any constraints. Parliament has spoken.

I have said many times that what the Bloc Québécois wanted was harmful and I have said that Canada will continue to have one voice. The Bloc said all sorts of things to other parliamentarians. What I am saying is that, truth be told, the bill that Parliament rejected gave veto power to the provinces and would have sometimes prevented us from moving forward when certain negotiations need to move quickly. The Bloc has once again shown us that it does not have what it takes, and I—

The Speaker: The hon. member for Joliette.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the minister is confusing veto power with consultation. Speaking of consultation, civil society in Quebec wants to be heard before an international agreement with direct consequences for everyone is signed by the federal government.

By using Quebec as a threat, is the Minister of Foreign Affairs not the one behind the refusal of the Conservatives and the NDP to accept this request from civil society in the form of Bill C-260, which they voted down?

● (1440)

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, we do not need legislation for our government to consult civil society. We are constantly consulting civil society in Quebec and throughout Canada. I did so when I was Minister of International Trade and my colleague continues to do so. My colleague at Canadian Heritage does so as well. We are constantly consulting civil society. This government's access is also direct, not just indirect. These consultations will continue because it is very important for Canada's voice in the world to be well informed.

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PUBLIC TRANSIT

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, most parliamentarians in this place have given their support to passage on second reading of Bill C-306, which proposes a tax credit for users of public transit. Spiralling gas prices, highway congestion and air pollution all point to the urgency of taking action to encourage greater use of public transit.

Can we not only count on government support to accelerate the passage of this bill at all stages, but also on its commitment to implement the bill promptly once passed?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, this is a matter under debate in the House of Commons. I can assure the hon. member and all hon. members that we are taking a variety of ideas into account in terms of energy efficiency, energy conservation and energy innovation because we want to be an energy smart economy.

[*Translation*]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, the minister does not seem in any rush to implement such a measure despite its simplicity and efficiency, while his government did not hesitate in the least to make a $250 million gift to the oil and gas industry.

When does the minister plan to get moving and provide tangible support for the creation of a tax credit to encourage the use of public transit?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, if there is one government that has done a great deal for public transit, it is this one. Thanks to the agreement with the municipalities, we are going to be able to inject billions of dollars across the country for public transit over the years. That is far better than what the Conservatives proposed, and what the Bloc Québécois appears to support, which is to give a rebate of 16% of the cost of every transit ticket, which would not, according to all the studies, do much to change people's behaviour.

We will, of course, have a well-supported policy. As the Minister of Finance has said, we are aiming at an energy smart economy. We will make use of all available means to that end.

* * *

[*English*]

CITIZENSHIP AND IMMIGRATION

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the Liberals are rehashing their broken 1993 red book promise to increase yearly immigration by 40%. Meanwhile, the government simply ignores the most important numbers. Over half a million applicants are stuck in a huge backlog. Newcomers are twice as likely to be unemployed. Immigrant incomes are 25% below average. International credentials are not accepted.

Why should anyone trust the Liberals after 12 years of failure on immigration?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): What a sorry position to be in, Mr. Speaker, when the opposition implies that—

Some hon. members: Oh, oh!

Hon. Joseph Volpe: Mr. Speaker, opposition members are applauding the fact that they are against all the numerous successes that we can list. For example, an average of 230,000 people per annum are settled and integrated successfully. They are the driving force of growth in all of Canada's major cities and provinces. We have moved very forcefully in the direction of credentialing and recognition. The member will recognize that we put $68 million—

The Speaker: The hon. member for Calgary—Nose Hill.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the minister is talking nonsense.

It was that Liberal government that froze settlement funds for nearly a decade. That Liberal government secretly shut down the processing of parent and grandparent applications. Those Liberals skim huge fees from newcomers but provide little value in return.

The government keeps overseas offices chronically under-resourced and understaffed, creating huge backlogs. It ignores its own laws on the refugee appeal process. How can its latest promises be trusted?

● (1445)

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, that is argy-bargy nonsense, I guess.

The member ignores the fact that we have already done something for parents and grandparents. We increased the amount that we would land over the course of this year and next from 6,000 to 18,000 in each of those two years. We have introduced a multiple entry visa in order to accommodate those who are on a waiting list and would be reunited with their families. We recognize the importance of family reunification with those measures, including in Canada spousal sponsorship developments. All of those issues and more indicate vibrant—

The Speaker: The hon. member for Edmonton—Strathcona.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, the bevy of buffet expenses from the Minister of Citizenship and Immigration knows no bounds. In the past six months the minister has charged over $10,500 in gluttonous restaurant expenses to the Canadian taxpayer. Not to be outeaten, his staff rang up an additional $7,000 in food expenses.

Would the minister please table any and all of the notes taken during these so-called working meals, or is an empty breadbasket the only thing Canadians get for $17,500?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I think we have already answered those kinds of questions.

These things are posted on a proactive disclosure website so that everybody understands exactly what happens with the moneys that are put at the disposal of ministers for the conduct of business.

I think if the member did an examination of what each and every one of those expenses were for, he would find that everything was well within measured Treasury Board guidelines and that it involved the conduct of business. If the member took the trouble to examine that, he would find that he would be more than satisfied.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, we know Liberals are partial to fine dining, but the immigration minister takes the cake, or should I say the whole bakery?

According to Canada's national food basket, a family of four in the minister's riding should be spending $256 every two weeks on groceries. The minister is spending an average of $257 per meal with Canadians picking up the bill.

Would the minister please tell the House how these meals advance Canada's immigration policy?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I guess he is absolutely right. In this instance we are talking about working meals designed to ensure that the roles and responsibilities as a minister, both in immigration and in regional responsibilities are done through stakeholder meetings and with other ministers and other people who have an interest.

We have seen the outcome of some of those discussions already in terms of the immigration policy that is being developed. I am sure the member will look forward to applauding what we are going to present for the House's consideration in just a few short weeks.

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CANADIAN BROADCASTING CORPORATION

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, it has been seven weeks that Canadians have been without the full services of the CBC. This disruption in service has cut off Canadians from the news, the arts, and local information and stories that are important to all communities, especially rural communities that depend on the CBC's culturally specific programming.

On behalf of my constituents who would like to see the end of the labour dispute, I would like to ask the Prime Minister what update he can give us on the negotiations between the CBC and the Canadian Media Guild.

[*Translation*]

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I am very pleased to announce that the parties in the CBC and Radio-Canada dispute have reached a settlement.

[*English*]

I congratulate the parties for their willingness to work hard and arrive at an agreement. In particular, I want to congratulate the Minister of Labour for his time, passion, inspiration and leadership on this problem.

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HEALTH

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, since the June 9 decision on private health insurance by the Supreme Court, Canadians have waited for a response, any response, from the government on how it plans to protect our cherished public health care system. It has been 118 days.

I have a simple question for the minister. Where is the federal government response to this decision and when will we be able to review it?

● (1450)

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, as I have said before, the Supreme Court of Canada simply gave its legal expression to the concern that the Prime Minister expressed and dealt with in the accord of September 2004 by providing an additional $41.3 billion to the provinces to deal with the issue of wait times.

I made that very clear at the CMA meeting. Our choice is clear. We stand for public health care. We stand for making sure that it is strengthened and improved right across the country and that wait times are dealt with.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the health minister just does not get it. How many times can he point to that fabled $41 billion that he continues to talk about? When will he understand that money does not equate leadership?

It is because the minister has not done a darned thing. The only question left is when will the government finally respond to the Chaoulli decision? When?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, December 31, 2005 is the first important deadline in the September 2004 accord. That deadline is to establish benchmarks. No government has the option not to do it. We are working. The Prime Minister appointed Dr. Postl to deal with it on behalf of the federal government. We are dealing with it.

My quarrel is not with the NDP. My quarrel is with the opposition Tories. They have not spoken a word on this issue. I want to know where they stand.

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SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, it is 53 days and $200 million in tariffs since the Prime Minister promised Premier Campbell he would call the U.S. president about the softwood lumber dispute. The Prime Minister needs to be involved, and we need direction from the highest levels of both governments to try and resolve this dispute.

When will the Prime Minister stop his phony domestic posturing and pick up the phone?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, as the hon. member knows, I have spoken to the president on this issue many times and I will be doing so again in the very near future.

At the same time it is important for us to raise support among other countries. I was delighted that in Vancouver last week President Vicente Fox of Mexico supported the Canadian position 100%. There are now two of the three NAFTA partners who support the Canadian position and it is about time the Americans did so as well.

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SPONSORSHIP PROGRAM

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Mr. Speaker, clearly the Minister of Public Works is trying to hide something as he continues to claim that the RCMP took a single invoice during a raid on September 14 of the Public Works office in Gatineau, Québec. Sources indicate that 150 boxes of documents were seized, not a single piece of paper.

Why will the minister not come clean and tell the House what the RCMP took from his office? What is he trying to hide?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the fact is that Public Works, in fact the entire government, cooperates fully with the RCMP in any investigation and we will continue to do exactly that.

JUSTICE

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, we have obtained a copy of the justice minister's position paper regarding private member's Bill C-313, an act to raise the age of sexual consent from 14 to 16. In this document, as hard as it is to believe, the minister argues against raising the age of consent because of potential costs associated with increased prosecution of such cases.

Why does the government have millions of dollars for golden handshakes for patronage hacks, but does not have enough funds to protect our kids from predators?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I clarified for the House last week, this matter of age of consent has been taken off to the side. The actual issue really is the person exploiting our youth.

Each and every one of us has as a priority the protection of our youth. It is with the legislation that we have in place, in particular Bill C-2 that will soon be law, that we go after the person who exploits our children. That is the person we want to attack.

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, a recent survey found that 10% of high school kids in Surrey use crystal meth, North America's most dangerous drug. This highly addictive drug is cheap and easy to get. As a result of the Liberals' inaction, the crystal meth crisis is getting out of hand.

When will the government introduce mandatory prison sentences for drug pushers and a national drug strategy to help people, especially children, before their lives are devastated by crystal meth?

● (1455)

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if the hon. member had been watching what we did this summer, he would know that we did make sure that crystal meth was rescheduled to increase the penalty from 10 years to life for those who would traffic in crystal meth.

We believe that crystal meth is a very serious drug, and we are taking action to make sure that we minimize its use.

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[*Translation*]

INTERNATIONAL TRADE

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, the President of the FTQ, Henri Massé, again called on the government to use protective measures against China and India to help the furniture, textile and clothing industries in Quebec adapt to this new competition. The Minister of International Trade told us last spring that he was prepared to act if need be.

Does the minister not believe that it is high time to launch the process to implement these protective measures?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, as the hon. member knows, this matter is now before the courts. We are in close consultation with these two industries. We want these industries to be able to compete in international markets. That is why we have given them over $1.2 billion in recent years.

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, however, the minister must be aware that, in the textile and clothing industries alone, over 25,000 jobs have been lost in the past year and a half in Quebec.

When will the government decide to implement these temporary protective measures in order to protect these industries and their jobs while respecting the rules set out by the World Trade Organization, which authorizes the use of such measures?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, we have held consultations with these two industries. As they have pointed out, during the past quarter, imports this year have kept pace with last year.

However, this does not mean that we do not face huge challenges. That is why we will continue to work with these two industries so they can become competitive.

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[*English*]

NEWFOUNDLAND AND LABRADOR

Mr. Norman Doyle (St. John's East, CPC): Mr. Speaker, for the first time since 1949, when Newfoundland and Labrador joined Canada, the province does not have full time cabinet representation. The current minister has announced publicly that he will not be seeking re-election. We do have four other Newfoundland and Labrador members sitting in the government caucus.

Why will the Prime Minister not appoint a full time cabinet minister from Newfoundland and Labrador from among his four members, or is the Prime Minister saying that Canada's youngest province does not deserve equality with the rest of this nation?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, we are all aware of the illness of the Minister of Natural Resources and we are all very hopeful that he will regain his health as soon as possible. I am sure the hon. member would want to join me in that.

That being said, while travel is difficult for him, he is able to exercise his responsibilities fully as regional minister while staying in Newfoundland and Labrador.

I must say at the same time that I would like to thank the hon. member for his very favourable references to the four Liberal members from Newfoundland. I have to say that they are outstanding.

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FIREARMS REGISTRY

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, the $1 billion gun registry is back in the news again.

In 2001, to save money, the government switched from plastic registration cards to paper certificates which just made it easier to forge registrations.

Now taxpayers are amazed to learn that the government allowed a website offering fake gun registrations to operate a year after it knew about it.

Why are security measures still so sloppy that anybody, any gang member, any violent criminal, can type up their own registration certificates?

● (1500)

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as the hon. member probably is aware, that is not true. In fact, there are many security features built into the documents that the firearms centre issues.

The other issue to which the hon. member referred in relation to a website out of the United States, I have in my possession a letter sent April 15, 2004 from the firearms centre asking for the shutdown of that site. I have a response from homestead.com in which homestead.com said the following, "Based on your complaint, we have terminated the account in question".

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NATURAL RESOURCES

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, my question is for the acting Minister of Natural Resources.

In a world of ever increasing demand for fuel sources, we, in Canada, are well placed to take a leadership role in the area of biofuels, including bioethanol and biodiesel fuels. These are renewable resources that are cleaner burning and therefore better for our environment.

I would ask the minister, what is his government doing to encourage and facilitate the use of biofuels in Canada?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, I would like to thank the hon. member for Davenport for his very timely question in view of the high world price of oil, because the more we can increase the supply and usage of our renewable fuels the less we will depend on oil, which not only is very high in price but which also contributes significantly to greenhouse gas emissions.

I am very pleased to report that over the last two years we have allocated $118 million toward the construction of 11 new ethanol plants across Canada. These will increase our annual production by seven times, enough to meet the target by 2006.

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HEALTH

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, my first question in the House of Commons was: When will the Liberal government compensate all hepatitis C victims from tainted blood?

Over a year later I am asking the same question. The Liberals have dithered for a decade and I can say that a Conservative government will compensate the victims immediately.

Will the health minister fulfil the Conservative commitment and compensate all victims of hepatitis C from tainted blood?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, it was not the Conservative commitment. We made a commitment to do that. The negotiators are discussing these issues. Progress is being made. I am hoping that in the next few weeks and months we will have this issue resolved to the satisfaction of all.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, since hinting that the forgotten victims might be compensated, the government has dithered and delayed.

The victims do not trust the minister or the government.

If or when these victims are compensated, could the minister assure the House that the forgotten victims will receive compensation equal to that of the victims who have already been compensated and will the minister apologize for the blatant disrespect the Liberal government has demonstrated toward the forgotten victims?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, this is obviously a very serious issue and we take it seriously. We started the negotiations with the class pre-86 and post-90. We are sure that we will get to an understanding and an arrangement between the classes.

I am certain that these victims will be compensated in due course. Those negotiations are underway and progress is being made.

* * *

[*Translation*]

CANADA POST CORPORATION

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, our region will lose 500 jobs if the closure of the Canada Post sorting centre in Quebec City goes through as planned.

Before those 500 jobs are lost to the Quebec City region, will the Minister responsible for Canada Post ask it to put the decision on hold until an overall postal services restructuring plan is submitted to us?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, there are two important points to make. One: there are no job losses. Two: physical mail is becoming a thing of the past. Even grandmothers send birthday wishes electronically.

As a result, Canada Post needs to be efficient if it is not to go into deficit. So there are two points: no job losses and concern for efficiency.

* * *

● (1505)

[*English*]

SOCIAL DEVELOPMENT

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, last Thursday the Governments of Canada and British Columbia signed a historic agreement on early learning and child care.

Could the Minister of Social Development please inform the House what this agreement means for children and families in British Columbia?

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, I was very pleased to be in Vancouver last Thursday with the Prime Minister to sign the agreement with the Province of British Columbia. It means an additional $633 million for early learning and child care for the Province of British Columbia .

To put that into context, it means that all the money that is currently being spent on child care in B.C. by all the different levels of government represents a 105% increase for the development of early learning and child care in the province.

* * *

STATEMENTS BY MEMBERS—SPEAKER'S RULING

The Speaker: During Standing Order 31 statements the hon. member for Portage—Lisgar chose to begin his statement melodically. While I am sure all hon. members appreciated his voice and obvious talent in this regard, I would point out that under Standing Order 31 it is stated:

> A Member may be recognized, under the provisions of Standing Order 30(5), to make a statement for not more than one minute. The Speaker may order a Member to resume his or her seat if, in the opinion of the Speaker, improper use is made of this Standing Order.

I would also point out that on page 365 of Marleau and Montpetit it states:

> The Speaker retains discretion over the acceptability of each statement and has the authority to order a Member to resume his or her seat if improper use is being made of this Standing Order.

I do not claim to have a precedent where members broke into song in the midst of their presentation under Standing Order 31 but in this case I felt that perhaps singing was unnecessary. I would urge hon. members to restrain themselves in singing during Standing Order 31 statements and perhaps do that on the national anthem day on Wednesday, and use the usual verbal things, the spoken word.

I note that we often get poems during Standing Order 31 statements made by members who clearly have poetic talents. We will leave the matter of poetry, which seems to have been acceptable over a period of time, but singing perhaps is rising to new heights that we need not ascend. I would invite the hon. member for Portage—Lisgar to stick with the spoken word.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, I must say that I totally accept your ruling, although in this dour and dismal place I think it would be a true sad thing for us not to have the presence of music on a regular basis. In fact, it might increase the degree of affinity among the members of this House and the joy that we should experience in representing the people of Canada if we sang more and yelled less.

The Speaker: I do not disagree with the hon. member's suggestion. Perhaps he could go to the procedure and House affairs committee and make a presentation and perhaps arrange a singsong in the committee meeting, which the chairman I am sure would find in order given his affinity for excellent singing.

The hon. member for Delta—Richmond East has a question of privilege on which he wishes to make further submissions to the House. I will hear him now.

PRIVILEGE

ORDER PAPER QUESTION NO. 151

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, I appreciate your patience on this issue.

On Thursday, the parliamentary secretary to the government House leader offered comments on the matter of privilege that I placed before the Chair on September 28. He claimed that the government was duty bound not to reply to my questions.

The government, in its response, claimed it was unable to answer because there was a civil suit against CMHC in the B.C. courts and another where the NRC might be named as a third party.

The parliamentary secretary noted that the Minister of Labour and Housing had referenced a civil suit in a letter to me earlier this year.

I will quote briefly from the words of the parliamentary secretary. He said:

> The letter provided background information on the matter of interest to the member. However, given that the matter was at that time before the Supreme Court of British Columbia, the minister explained that it would not be appropriate for him to comment on the particular case.
>
> The government has also declined to provide the material requested by the member because this, itself, would interfere with the court's proceedings.
>
> It is clear that this was not an attempt to interfere with the member's parliamentary work but was done in order to protect the integrity and the work of the B.C. Supreme Court.

The government then tabled a copy of the letter from the Minister of Labour to me related to my request for information on when the government became aware of the leaky condo disaster and what action it took when it became aware of the wet and rotting buildings.

In this letter, the Minister of Labour states:

> I am advised by officials at CMHC that all the documents you referred to are a part of or have been produced in the course of an action filed in the British Columbia Supreme Court against CMHC and, as such, go to issues before the court. Given the circumstances, and as I am sure you appreciate, it would not be appropriate for me to comment.

The government did not table a similar letter to me, dated September 2, from the Minister of Industry in which he states:

> I have been advised by the NRC that it would be inappropriate for me, as Minister of Industry, to respond to your question at this time in light of the discussions and actions presently taking place on this issue before the courts of British Columbia.

I will later provide you, Mr. Speaker, a copy of that letter.

However, in both letters, the government is claiming that the issue of leaky condos is before the courts in British Columbia and, therefore, it is prevented from answering questions.

In its response to Question No. 151, which is the matter under consideration, the Minister of Industry, answering as minister responsible for the National Research Council, states, in part:

> A Third Party Notice has been served on the Attorney General of Canada in the matter of the Owners, Strata Plan VIS 3861 v. Boso Ventures Inc. et al. The National Research Council is unable to answer the questions of [the member for Delta—Richmond East] as the matters raised by these questions are presently an issue before the courts in British Columbia.

In another part of the response to Question No. 151, the Minister of Labour, answering as minister responsible for CMHC, states, “CMHC is a defendant in the matter of Dan Healy v. CMHC et al”.

Both these cases are civil matters. To the best of my knowledge, both are at a very preliminary stage. Neither matter has gone to trial. They may well never go to trial. Yet the government refuses to respond to my question in the House of Commons, claiming that it is unable to answer because the matter is before the courts.

The claim that a matter is before the courts and ought not to be referred to in a question or answer in Parliament is not new. A special parliamentary committee, chaired by Speaker Jerome, studied this matter and made a number of important conclusions which are very pertinent to the claim by the parliamentary secretary that the government is not obliged to answer when there is a suit before the courts.

I am referring to the 1977 report of the Special Committee on Rights and Immunities of Members that provides great insight into the appropriateness of the parliamentary secretary's statement in the House on Thursday.

As a noted expert in procedural matters, Mr. Speaker, you are no doubt familiar with this report. I am not an expert on such matters. However, I have had the good fortune to be able to receive the advice of John Holtby, also an expert on the workings of Parliament, who brought this report to my attention.

The Committee on Rights and Immunities of Members was a remarkable committee, containing a number of truly great parliamentarians: Jed Baldwin, who was to become the father of access to information; John Reid, the current access to information commissioner; and Herb Gray and Stanley Knowles. Both Herb Gray and Stanley were deans of this House, men who are still remembered with great respect and affection. It was indeed a stellar committee, composed of unusually talented members of all sides of this House.

● (1510)

In its report, the committee was concerned about the limitation of debate on matters before the courts. At paragraph 12 in the report reference is made to a statement in the House by the former member for Central Nova, the father of the current member for Central Nova. That member's freedom of speech should not be interfered with lightly. He states:

> A Member of Parliament, I submit, has a right and duty to pursue investigations and ask questions on behalf of his constituents and the general public, and any interference or obstructions in this respect must be taken very carefully and supported by citations and precedents of the greatest weight and substance.

The former member for Central Nova was concerned that he not be prevented from questioning the government on a matter where a civil proceeding had begun. This is not unlike the matter before the House, except it is the parliamentary secretary and the ministers who are seeking to shield themselves from answering a question in the House when there is a civil suit against the government.

I hope you will find, Mr. Speaker, that the convention on limiting questions on a matter before the courts, if it exists, applies equally to both the questions posed by members and the responses given by ministers.

The Chair's response to the former member for Central Nova is, therefore, very pertinent here. I draw everyone's attention to paragraph 13, which states:

> The next day the Chair ruled that...the convention did not apply in civil cases until the matter had reached the trial stage:
>
> It is clear...[that] no restriction ought to exist on the right of any member to put questions respecting any matter before the courts particularly those relating to a civil matter and until that matter is at least at trial.

After careful consideration of the practice in this House, the United Kingdom and in Australia, the Jerome committee rejected most of the situations where a claim that a matter ought not be asked or responded to because there was a similar matter before the courts.

At paragraph 22, the committee states:

> It is the view of your committee the justification for the convention has not been established beyond all doubt, although it would not go so far as to recommend that it be totally abolished. Your committee believes, however, that any modification of the practice should be in the direction of greater flexibility rather than stricter application....It follows that the House should not be unduly fettered by a convention, the basis of which is uncertain. On no account should the convention...come to be regarded as a fixed and binding rule. It is not unreasonable, for example, that Parliament should be more limited in its debates concerning judicial proceedings than in the press in reporting such proceedings.

In paragraph 23 the committee further addressed the limited application of the convention. In particular it cautioned ministers about their responses when they might be inclined to claim that they were unable to answer because the matter was before the courts. It states:

> Additionally, a Member who calls for the suppression of discussion of a matter on the grounds of *sub judice* should be obliged to demonstrate to the satisfaction of the Chair that he has reasonable grounds for fearing that prejudice might result. Should a question to a minister touch upon a matter *sub judice*, it is likely that the minister involved will have more information concerning the matter than the Speaker. The minister might be better able to judge whether answering the question might cause prejudice. In such a situation the minister could refuse to answer the question on these grounds, bearing in mind that refusal to answer a question is his prerogative in any event.

The government's response to Question No. 151 attempts to hide behind the *sub judice* convention, yet the cases referenced by the labour and housing minister and the industry minister are civil have not gone to trial and may never go to trial. The minister has offered no valid justification for failing to answer the question based on this convention and I would ask you to so rule, Mr. Speaker.

Indeed, it is clear in both the letters of the Minister of Labour and Housing and the Minister of Industry that neither minister has sought a justification for the departmental refusal to respond to a parliamentary question related to a civil case not yet gone to trial.

By asking the question, I am not interfering in any civil trial. I am trying to determine if the Government of Canada has acted properly, competently and fairly regarding leaky condos in British Columbia.

The government has adopted the position, a position that the Jerome report noted had troubled Speaker Lamoureux and was specifically rejected by him, that the filing of a writ by anyone in any court anywhere in Canada can be used as a reason to deny information to Parliament.

The House has never recognized such a convention whereby ministers should routinely shield themselves from questions by a claim that the matter might tangentially relate to matters in a civil case that is not yet at trial.

● (1515)

Speaker Jerome in his 1977 report to this House on the rights and immunities of members, while noting that ministers could not be compelled to answer a question, concluded that neither a member's question nor a minister's answer ought to be limited merely because of civil action that has not reached the trial stage.

Indeed, if the government is a party to a civil action it is obliged by law to disclose all it knows in that matter. While the government is not compelled to answer questions in this place, it is not permissible for ministers to claim the reason for not answering is that the government is merely a party in a civil action that is not now at trial, nor may ever reach that stage.

If ministers do not wish to answer they ought to say so, but they ought not claim that they are unable to answer, as the Minister of Industry and the Minister of Labour have done. They are able to answer, but have chosen not to.

The government has chosen to treat the House with contempt. It is hiding behind a civil case not yet gone to trial and may well never go to trial. One of these cases referenced by the government as the reason it was unable to answer my question started in the B.C. courts in 2001 and may not go to trial for several years. Following the government's logic, ministers have been unable to answer questions such as I have put for the past four years. That is nonsense.

There is no convention of this House that prevents a minister from responding to a general question while the government is party to a civil suit prior to the actual trial. The parliamentary secretary and ministers are purporting to use a non-existent convention to shield themselves from answering a simple question. The ministers are treating the House with contempt.

In conclusion, if there is consent, I would table the letter from the hon. Minister of Industry that was referenced in my comments.

● (1520)

The Speaker: Does the hon. member for Delta—Richmond East have unanimous consent to table the letter?

Some hon. members: Agreed.

Mr. John Cummins: Mr. Speaker, this might further clarify the responses. If there is permission, I would also table the letter to the hon. minister responsible for CMHC and to the hon. minister responsible for the National Research Council which triggered the responses referenced in both the government's matter and in mine.

The Speaker: Mr. Speaker, is there unanimous consent for the tabling of these additional letters?

Some hon. members: Agreed.

The Speaker: I thank the hon. member. I will take the matter under advisement and be back to the House in due course.

Routine Proceedings

ROUTINE PROCEEDINGS

[*Translation*]

CERTIFICATES OF NOMINATION

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to table a certificate of nomination.

[*English*]

Pursuant to Standing Order 110(2), I am tabling a certificate of nomination with respect to the Canadian Dairy Commission. This will replace the certificate that was tabled on Friday, September 30. There was an unfortunate typographical error in that certificate. Instead of nominating Mr. John Core of Guelph to be chairman of the dairy commission, a Mr. John Gore appeared in the certificate.

However, this has all been clarified today and I am happy to table the certificate.

* * *

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 12th report of the Standing Committee on Canadian Heritage. Pursuant to Standing Order 97.1, your committee is requesting an extension of 30 sitting days to consider Bill C-333, the Chinese Canadian recognition and redress act, thereby providing the committee with a total of 90 sitting days during which to complete its study of the bill.

Given the fact that the committee finds it necessary to consult further stakeholders in order to give the bill the consideration it requires, it therefore requests an extension of 30 sitting days. I should point out that this is done in cooperation and with the agreement of the member who moved the private member's bill.

The Speaker: Pursuant to Standing Order 97.1 (3)(a), a motion to concur in the report is deemed moved, the question deemed put and a recorded division deemed demanded and deferred until Wednesday, October 5 immediately before the time provided for private members' business.

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Canadian Heritage. Along the same lines on a related private member's bill that is now before the committee, and again in concurrence with the mover of the private member's bill, pursuant to Standing Order 97.1, your committee is requesting an extension of 30 sitting days to consider Bill C-331, the Ukrainian Canadian restitution act, thereby providing the committee with a total of 90 sitting days during which to complete its study of the bill.

● (1525)

[*Translation*]

The Speaker: Pursuant to Standing Order 97.1(3)*(a)*, a motion to concur in the report shall be deemed moved, the question deemed put, and a recorded division deemed demanded and deferred to the next Wednesday, October 5, 2005, immediately before the time provided for private members' business.

OFFICIAL LANGUAGES

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, I have the honour to table, in both official languages, the third report of the Standing Committee on Official Languages.

Your committee adopted a motion, on Thursday September 29, 2005, recommending that the Minister of Canadian Heritage, the Minister of Labour and Housing, and the Minister responsible for Official Languages take necessary measures to encourage a speedy settlement of the lockout of CBC—Radio-Canada employees.

We are aware of the latest developments and we welcome them. However,we still wanted to table this report, as we feel this issue is very important.

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-421, An Act to amend the Employment Insurance Act (single qualification period and benefit period increase for workers 45 years of age or more).

He said: Mr. Speaker, I want to thank the hon. member for Sackville—Eastern Shore.

It is a pleasure for me to introduce today five bills on employment insurance.

I hope that the members of this House will learn about these bills and support them. The current EI program no longer meets the needs of Canadian workers. These bills will fix some of the deficiencies in this program.

The first bill is entitled Employment Insurance Act (single qualification period and benefit period increase for workers 45 years of age or more).

This enactment amends the EI Act by removing the different qualification period for new entrants or re-entrants into the labour force. It also increases the benefit period for claimants who are laid off permanently after 10 years or more in the labour force and are over 45 years of age.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-422, An Act to amend the Employment Insurance Act (length of benefit period).

He said: Mr. Speaker, the second bill is entitled An Act to amend the Employment Insurance Act (length of benefit period).

This enactment increases the duration of benefits, first by providing that a week in which at least 15 hours are worked counts as a week of insurable employment, and second by providing that every 35 hours of the total hours worked counts as a week of insurable employment.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce BillC-423, an act to amend the Employment Insurance Act (removal of waiting period).

He said: Mr. Speaker, the third bill is entitled an act to amend the Employment Insurance Act (removal of waiting period).

The enactment removes the waiting period before benefits are paid and after wages have stopped and eliminates the provisions related to it.

In other words, it is aimed at eliminating the two-week waiting period.

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

* * *

● (1530)

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce BillC-424, an act to amend the Employment Insurance Act (establishment of Unemployment Insurance Trust Fund) and another Act in consequence.

He said: Mr. Speaker, the fourth bill is entitled an act to amend the Employment Insurance Act (establishment of Unemployment Insurance Trust Fund) and another Act in consequence.

The enactment also creates the employment insurance trust fund, of which the commission would be responsible, in replacement of the employment insurance account, which is part of the treasury.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce BillC-425, an act to amend the Employment Insurance Act (pregnancy benefit).

He said: Mr. Speaker, once again, I want to thank the member for Sackville—Eastern Shore for supporting these bills.

The fifth bill is entitled an act to amend the Employment Insurance Act (pregnancy benefit).

It also provides for the maintaining of benefits payable to the claimant in the case if an illness or injury occurring during pregnancy or during a period of caring for a child.

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

* * *

[*English*]

ELECTORAL BOUNDARIES READJUSTMENT ACT

(Bill C-366. On the Order: Private Members' Bills:)

Second reading and reference to the Standing Committee on Procedure and House Affairs of Bill C-366, an act to change the name of the electoral district of Bonavista—Gander—Grand Falls—Windsor: Mr. Scott Simms.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, there have been consultations among the parties and I think you would find unanimous consent for the following motion:

That the order for the second reading and reference to the Standing Committee on Procedure and House Affairs of Bill C-366, an act to change the name of the electoral district of Bonavista—Gander—Grand Falls—Windsor, standing in the order of precedence on the order paper in the name of the member for Bonavista—Gander—Grand Falls—Windsor, be discharged and the bill withdrawn.

The Speaker: Is that agreed?

Some hon. members: Agreed.

(Order discharged and bill withdrawn)

* * *

PETITIONS

GASOLINE PRICES

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, I would like to present this petition of over 2,000 names from the riding of Carleton—Mississippi Mills. The petitioners demand that the government lower gas taxes. The government is taking in over $5 billion a year in gas revenue. It is only planning to give the provinces about $1 billion. There is more than enough money to reduce the taxes.

ADOPTION

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, as I have been endeavouring to do ever since Parliament reconvened this fall, it is my pleasure to introduce yet another petition today, this one from citizens of Edmonton and Calgary in Alberta, and from Aurora, Barrie, Brampton, Bradford, Bolton, Burlington, Cambridge and Toronto in Ontario. These petitioners wish to draw to the attention of the House the fact that each year an average of about 2,000 children are adopted from other countries and are brought to Canada by Canadian families who welcome them into their lives.

However, despite the fact that children adopted by residents of the United States of America and Great Britain are granted automatic citizenship upon adoption finalization and entering that country, or on the date of the adoption order respectively, these new children welcomed into Canada are not. Therefore, the petitioners are asking Parliament to immediately enact legislation to grant automatic citizenship to those minors adopted from other countries by Canadian citizens, with this citizenship being immediately granted upon the finalization of their adoption.

● (1535)

[*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, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT

The House resumed consideration of Bill C-11, an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings, as reported (with amendment) from the committee, and of Motions Nos. 1 to 47 inclusive.

Hon. Diane Marleau (Parliamentary Secretary to the President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am extremely pleased to stand to address this chamber on Bill C-11, an act to protect whistleblowers.

If I may say so, this piece of legislation, which was referred to committee after first reading, is probably one of the best examples of cooperation among groups in this chamber. All parties worked very hard to ensure the best legislation possible. I believe it is, if not the best, then among the best pieces of legislation in the world to protect whistleblowers.

[*Translation*]

I am here to speak on Bill C-11, which protects whistleblowers and must ensure that they are protected. We met with a number of organizations and amended the bill after listening to what they had to say, to ensure that it did what we wanted it to do, namely protect as fully as possible all public servants who feel the need to make disclosures, because of errors or mistakes. We wanted to ensure that public servants would feel fully protected in future. As you are aware, we managed to convince the government to create an independent agency reporting directly to this Parliament. Public servants have the right to go directly to it and to report to it if they feel uneasy or unsure about reporting directly to their superiors.

[*English*]

Bill C-11 is a great example of the kind of work we can do together. The bill was introduced in the House and sent to committee after first reading. It was done that way so we could make the changes that were appropriate and necessary.

Yes, many changes have been made, not the least of which is an amendment that has been made here today to ensure that it is a totally separate agency that reports directly to the House of Commons. While it is true that the original legislation did not contain that, I can honestly say that we were given a mandate to produce the best possible legislation. Members on both sides of the House took that to heart.

At the beginning of this year the committee sent a unanimous letter to the President of the Treasury Board stating that nothing else would do but a completely independent body to deal with whistleblowers. Because of the magnitude of the change that was made necessary, the President of the Treasury Board actually took this demand to cabinet committees and to full cabinet to get endorsement. He received it. Not only Parliament but also the government supported these changes and made them possible.

It is extremely important that public servants be allowed to choose whether they file a report in their own department. Each department, crown corporation and agency must set up a committee and a plan to deal with people who want to report wrongdoings. It is important that everyone work on this challenge but we thought it appropriate that public servants have the choice of where they wish to report. Some may feel comfortable reporting to their immediate superiors. That is fine. Some may not feel comfortable. People have the choice of going directly to the independent agency to have their concerns either examined or whatever action needs to be taken at that point. All of us certainly hope that this will prevent many wrongdoings. We hope it will make people feel comfortable that their bosses or the people above them will not take action against them.

While the legislation may not be perfect, we have all worked very hard to try to capture the essence of the challenges that were put before us by all of the people who appeared before us. As a result of that, groups such as the RCMP have been included in the legislation. They were not prior to this.

There is also in the legislation a place that would ensure that any kind of losses, financial or otherwise, be paid to those people who may not have had a promotion, who may have been red circled because they had blown the whistle on some wrongdoing. I believe that is essential. It is not always extremely easy for people. People have to realize that if their bosses take any action against them because they have come forward about certain incidents, that the bosses know it will not be acceptable, that someone will listen and not only that but there could be some remuneration. The remuneration and redress so to speak can take place at any time.

● (1540)

The public servant has a duty to report this within 60 days of the time he or she became aware that someone took action against him or her. It could be one year or two years down the line when someone realized that he or she was never promoted and that it must have been when he or she went forward and explained what was happening and since then he or she had been red circled. If someone is just realizing that now, it is not too late. A person has 60 days in which to come forward. I am sure the commissioner would consider any kind of extenuating circumstances if the time were longer.

All parties are in favour of this amended piece of legislation. This is the way Parliament should work. It is a pity that Canadians do not see more of this kind of constructive engagement by all parties. Canadians expect this of us. It often does happen, but it is not always as obvious as we would like it to be. In this case it is certainly something that has made a difference and will make a difference in the future.

Legislation is always a work in progress. We do the best we can with the tools at hand when drafting the legislation. If we have missed something or if one part is not working the way it should, there is a five year review. That review will tell us, hopefully, what worked and what did not work. At that time we can tweak the legislation if it has not been perfect and make sure that it is in better working condition.

In the quest for perfection, we have come a long way with this piece of legislation. Time will tell us whether it is as effective as we want it to be, but we have done everything possible to ensure its effectiveness.

● (1545)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am somewhat astonished at my colleague's speech, though not surprised. Obviously, we all agreed that Bill C-10 needed amending, and amended it was. We must, however, always keep in mind that this is a bill from another session. In fact, it is the offspring of a bill, C-25, —with no independent commissioner— tabled by the Liberal Party when in a majority position and reintroduced in the form of Bill C-11 in this session. This was a campaign promise. While the Liberals were campaigning, they were telling everyone that there would be a bill to protect whistleblowers. This was in the aftermath of the sponsorship scandal.

Now my colleague has just been telling us that they have been accommodating and the bill has evolved. What has evolved is the political situation in Canada. There is no longer the majority government there was before.

I will therefore ask my colleague whether she will agree with me that there never ought to be a majority government in Canada—particularly not a Liberal majority government—precisely to ensure that good bills like today's get passed.

Hon. Diane Marleau: Mr. Speaker, regarding the bill that was tabled before the last elections, the committee had an opportunity to hear only a few witnesses. Even though it did a good job, it could not bring its work to completion. We knew that and we knew we would be proposing another bill. That is what the government did. It reviewed the recommendations of the committee that had reviewed Bill C-25, and it based itself on those recommendations.

A bill will always evolve over time. Such is the case with C-11 that was proposed to us. We knew it was not a perfect bill. Accordingly, we brought it forward and we requested that the committee deal with it after first reading. That is a way the government chose to demonstrate that it was expecting major changes. That is what we did. So, we have a bill which, hopefully, will be effective in protecting whistleblowers and in ensuring that we continue having a good government.

Mr. Mario Laframboise: Mr. Speaker, since you are giving me an opportunity, I will keep asking questions of my colleague. I want to make sure I understand properly. In committee, for a minority government, it is important. Given the fact that the Liberals no longer have a majority in the committee, they have to be conciliatory. We thank them for it. However, I ask the same question again. Will my colleague agree with me that if this bill is enhanced today, it is precisely because the government is in a minority situation and that, in this place, we should never have a majority government, especially a liberal one?

Hon. Diane Marleau: Mr. Speaker, I absolutely do not agree because it was the Liberals who pushed most of the changes to this bill. I cannot tell you what happened in committee with Bill C-25, since I was not there. However, I can say one thing: when there is a will, things get done with the Liberals, and things got done.

[*English*]

One thing I can say is that minority governments may appear to be good, but when Canadians look at this House and see the nastiness, hear the name calling, the false charges and the craziness, I am sure they do not believe that minority governments work.

Minority governments can work, but only if the parties behave responsibly. Minority government says that the onus is not only on government, the onus is on the opposition parties as well. That is most important.

I do not believe for the most part that the opposition has behaved responsibly. The Canadian people know that and they will judge it.

ROUTINE PROCEEDINGS

● (1550)

[*English*]

COMMITTEES OF THE HOUSE

JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, discussions have taken place between all parties concerning a debate scheduled for later this day on the sixth report of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

I believe that you would find consent for the following motion. I move:

That the debate on the sixth report of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, scheduled for later this day be deemed to have taken place, the question deemed put, a recorded division requested and deferred to the end of government orders on Wednesday, October 5, 2005.

The Deputy Speaker: Does the hon. government whip have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

The Deputy Speaker: Having heard the terms of the motion, is there unanimous consent of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT

The House resumed consideration of Bill C-11, an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings, as reported (with amendment) from the committee, and of Motions Nos. 1 to 47 inclusive.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, I am pleased to speak to Bill C-11, an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

This is a very important piece of legislation that deals with an issue at the heart of our parliamentary democracy.

A government press release issued on the same day that Bill C-11 was introduced noted that the bill is an important part of the federal government's broader commitment to ensure transparency, accountability, financial responsibility and ethical conduct in the public sector.

With a long list of deplorable examples of government waste and mismanagement like Ms. Stewart, Mr. Radwanski, the motley crew involved in the sponsorship scandal, and the latest, Mr. Dingwall, how can anyone believe that the Liberals are seriously committed to providing real protection for whistleblowers who might expose the misconducts of their cronies?

In the 1993 election campaign, the Liberal Party promised whistleblower legislation in a letter to the Public Service Alliance of Canada. Twelve years later public sector workers are still waiting for legislation that will thoroughly protect them.

My riding of Carleton—Mississippi Mills is home to thousands of public sector employees who work all over the National Capital Region and who, to this day, remain vulnerable to reprisals from their employers should they speak out and reveal wrongdoings in their workplace. Whistleblowers play an invaluable role in cleansing our institutions of rot and corruption and we should be encouraging not discouraging them from coming forward with information.

Donald C. Rowat, professor emeritus of political science at Carleton University, an expert on whistleblower laws, stated that whistleblowers should have strong protection for two main reasons. First, if they detect wrongdoing and reveal it publicly, their accused superiors are almost sure to take vigorous retaliatory action against them. Second, if they do not reveal the wrongdoing for fear of retaliation, it may never be revealed and the public interest will seriously suffer.

Having worked inside a large government organization, I know that the potential whistleblower's fear of retaliation is well founded because nearly always, those accused of wrongdoing are higher in the organization. They can easily take action against their whistleblowing subordinates. Because there is a tendency in any organization to protect its reputation by denying any wrongdoing, it normally closes ranks and ignores or even supports the retaliatory action.

Just remember the code we learned as school children, that we do not rat on people. Those who ratted were disdained by their friends. It is no different in the adult world. The individual must bravely go against the powerful organization.

As we know, in nearly every case the whistleblower ends up losing his or her job or suffering some other form of retaliation or both. It takes real fortitude and integrity to be a whistleblower. If we already had effective whistleblower legislation, how many cases of waste, mismanagement and wrongdoing would have been remedied and how many taxpayers' dollars would have been saved?

Professor Rowat noted in his comments on whistleblower legislation that the federal government appointed a public service integrity officer in November 2001 who was supposed to investigate whistleblower allegations of wrongdoing. However, because he was appointed by the government under the policy issued by the Treasury Board, instead of a law passed by Parliament, his powers of protection were weak. He is not independent of the government and does not have the power to make binding decisions or to publicize wrongdoing.

As a result his office has been criticized as feeble and toothless based on a policy of internal rather than public disclosure. In a recent annual report he has admitted that potential whistleblowers' fear of retaliation are so great that very few come forward. Most of the complaints he has received involve personal employment grievances rather than the misdeeds of senior bureaucrats.

The professor went on to say that the provisions to protect whistleblowers in Bill C-25, the predecessor to Bill C-11, were inadequate. Anonymity was not guaranteed and the bill provided no fines or sanctions against employers who retaliated, no financial or other compensation for blatant retaliation, and no rewards for whistleblowers who save taxpayers' money as laws elsewhere have done.

Former Privy Council President Coderre claimed that the bill struck a balance between encouraging public servants to report wrongdoing and protecting against disgruntled employees with an axe to grind. This reveals that he was not clear on the concept. He picked the wrong balance.

● (1555)

Protection against disgruntled employees is a minor problem. The real problem is the protection of whistleblowers. The law must strike a balance between the vast power of the bureaucracy and the weakness of potential whistleblowers by providing enough protection and incentive for them to be willing to risk the wrath of superiors.

Whistleblowers are employees who exercise freedom of expression rights to challenge institutional abuses of power or illegality that harm or threaten the public interest. Whistleblowers are often the best qualified, the brightest, as well as those employees most committed to the longevity of the organization. It is this loyalty that in fact causes them to risk everything in speaking out. They represent the highest ideals of public service and loyalty to the long term interests and sustainability of the organization.

In its original form Bill C-11 would have done more harm than good to whistleblowers. Thanks to a lot of hard work by Conservatives in committee and some major reversals by the government, we now believe the opposite to be true.

The bill originally required whistleblowers to report to the president of the Public Service Commission, who is not independent. Thanks to pressure from the Conservative Party, the government has tabled amendments to create an independent commissioner to hear and investigate disclosures of wrongdoing. He will report to Parliament.

However, the bill remains flawed. The Conservative Party moved several other amendments that were rejected by other parties in committee. Conservatives are not the only ones who find this disheartening. As Ms. Nycole Turmel, national president of the Public Service Alliance of Canada, noted in her appearance before the Standing Committee on Government Operations and Estimates last year, “the government's reluctance to go the distance and get it right is more than a little disquieting”. Conservatives still feel that these changes should be made, and if the bill were to pass, we would make these changes when we form the government after the next election.

The bill does not prohibit reprisals against those who make disclosures of wrongdoing to the public, the media, the police, the Auditor General, the Information Commissioner or anyone outside the narrow process prescribed by the bill. A Conservative government would protect all whistleblowers.

Bill C-11 changes the Access to Information Act to allow departments to refuse to release information about internal disclosures of wrongdoing for five years. This was originally 20 years, but was amended in committee. The Conservative Party would like to see this provision removed completely and the Information Commissioner agrees. If this provision had been in effect at the time, taxpayers would still not know that their money had been siphoned off from the sponsorship program and funnelled into the Liberal Party.

Cabinet can arbitrarily remove several government bodies from the protection of Bill C-11. For example, if they choose, cabinet can remove the Bank of Canada, the Canada Pension Plan Investment Board, the Canada Council for the Arts, the CBC, the National Arts Centre Corporation, the Public Sector Pension and Investment Board and Telefilm Canada. Conservatives tried to change this in committee, but the other parties refused. A Conservative government would ensure cabinet cannot remove any government body from the scope of the act.

Unfortunately, the scope of the bill is still too limited in its application. Specifically, the Canadian Forces, CSIS and CSE are excluded from the provisions of the act that provides for access to a neutral and independent body. The application of this bill in their work environments will encourage silence rather than disclosure.

Members of the Canadian Forces, the Canadian Security and Intelligence Service and Communications Security Establishment are precisely the ones that should have whistleblower protection. Their work is veiled in secrecy. What better environment for wrongdoing to take place without consequences?

Members of these organizations need the powers of a neutral third party to protect the privacy and confidentiality of information while at the same time offering protection to whistleblowers. There is no valid basis for the exclusion of any government employees from the protection of the bill.

Since 1999 opposition MPs and senators have introduced 13 bills to protect whistleblowers. If the Liberals were really serious about this matter, they could have adopted the legislation of any one of these bills. Instead, they have waited until they are faced with a huge scandal and have acted to give the appearance that they are doing something.

I support the need for a whistleblowers bill to protect government from wrongdoing and also to protect those brave individuals who place their careers on the line to ensure that justice is done.

● (1600)

Bill C-11 certainly offers an improvement to the current situation, but it is flawed. What is really needed is legislation with no exclusions of any government employees regardless of the nature of their work, as well as real protection from reprisals. Until that happens we Conservatives consider that government whistleblower protection remains inadequate and incomplete.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I understand that my hon. colleague feels that the bill still does not go far enough. However, I would just like him to realize that we started off with Bill C-25, which then became Bill C-11, and the changes that were made in committee, the 47 amendments brought forward by the government as unanimously recommended by the committee. We have had to consider what had been done. This is therefore a very significant change, compared to Bill C-25 in the last Parliament and the initial version of Bill C-11.

I would like the hon. member to describe the context, because we have to understand that the Liberal Party introduced Bill C-25, the predecessor of Bill C-11, in the midst of the turmoil caused by the sponsorship scandal. In fact, it introduced legislation to get good press before calling an election. That is what happened. In the end, it became obvious that the disclosure legislation was not creating an independent integrity commissioner, as recommended in the amendments approved by all parties. I acknowledge the excellent work done by our colleague from the Bloc Québécois, the hon. member for Repentigny. All our colleagues on the committee have managed to agree on a pretty decent bill.

I realize that, for my colleague from the Conservative Party, the bill still does not go far enough. Yet, the committee has taken it one step further. Pressure by opposition parties has transformed a bill that was simply smoke and mirrors when it was first introduced by the Liberal government. I would like to hear the hon. member on how the Liberal Party was able, before the election, to use smoke and mirrors and introduce bills C-25 and C-11, which did not really offer much protection at all. As my hon. colleague said, they could even do more harm than good to whistleblowers. How is it then that we now have a bill that was improved by the opposition parties, namely the Conservative Party, our party, the Bloc Québécois and the NDP?l

[*English*]

Mr. Gordon O'Connor: Mr. Speaker, I agree that this bill is an improved bill. It is a pretty decent bill, but it still does not go far enough. There are elements of the government that are not included in the bill and until everyone who works for the government is covered by the bill, we will consider it incomplete.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member certainly does raise an interesting question about the two exclusions, being the military and CSIS. I would commend the transcripts of the committee discussion on that matter as the member is experienced and does know that there are protocols that exist.

One of the things that is extremely important for the member to understand is that even though the military and CSIS may be excluded from the bill specifically, we have to be satisfied that their own protocols and internal codes of conduct and investigations meet the standard and values that have been laid out in the whistleblower legislation, Bill C-11.

I know that it is a little bit disconcerting that employees, say in the administrative and some minor operational roles, may not have the access to the new commissioner, but they do have mechanisms that would assist them. I thank the member for raising it, but the committee was concerned about the security issues related to those two areas.

● (1605)

Mr. Gordon O'Connor: Mr. Speaker, as I said before, it is a reasonable bill. It is an improvement over what we have. I understand the implications of the military, CSIS or CSE. They deal a lot with security matters but within all these organizations there is administration and most of the problems we talk about in whistleblowing have to do with mismanagement or abuse in the management system. Very rarely does it have anything whatsoever to do with security.

I do not see why we cannot get around the problems of security, so that the members of those three organizations could have access to the whistleblower commissioner or whatever we are going to call this individual. Until that happens I consider this legislation incomplete and we will strive to improve it.

[*Translation*]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, first, I want to say just how proud I am to have taken part, as a member of the Standing Committee on Governmental Operations and Estimates, in the consideration of Bill C-11. This consideration has led to significant changes to this bill, thereby greatly improving it.

[*English*]

Having sat in on the committee hearings, essentially from the fall of 2004 until the last day the House sat before the summer recess, I can say that the legislation has been studied extensively. As a first term MP, I was very pleased to see how a committee could achieve concrete, significant results when members operate and act in a constructive non-partisan manner to make legislation better for all Canadians and, in this case, also for the subset of Canadians who are important to us as elected representatives, namely the public servants of Canada.

The bill is very important, not only in a practical sense, but also because it would implement an important principle in the relationship between elected officials, especially those in the executive branch, and public servants.

Having worked closely with public servants over the course of my career here in Ottawa, even before I was elected, in my capacity as a parliamentary assistant to my predecessor, I can attest that Canada's pubic servants are extremely dedicated and work very hard. They are motivated essentially by their desire to contribute to this country. Their role is to offer the elected executive branch the expert and objective advice that it requires in order to implement the programs it was elected to implement. The public servants of Canada do an admirable job in providing that expert and objective advice.

However it is very important that governments in general return the loyalty that they demand and require of public servants. What that means in this context is that it is very important for the government to provide public servants with a legitimate avenue for raising flags about things like illegal activity within the public service and with respect to gross mismanagement, as my hon. colleague across the way mentioned when he listed those things that constitute a wrongdoing. One of the definitions of wrongdoing is gross mismanagement.

Bill C-11 would provide public servants with an opportunity to air and make known problems of wrongdoing that they encounter without, as in the past, having to go to other politicians in a surreptitious manner or by providing a brown envelope to a journalist. That is not the way things should be done. Public servants would now a legitimate channel to bring wrongdoings to the attention of those who could do something about them.

● (1610)

[*Translation*]

First, one of the amendments adopted by the committee bears mentioning because, although it was more of a symbolic change, it was important nonetheless.

In other words, the committee amended the title of the bill. Once again, this was a symbolic but important gesture that set a positive tone for the bill and for the disclosure of wrongdoing within the public service.

Initially, the French title of the bill included the words "dénonciation" and "dénonciateurs". These words do not have positive connotations; indeed, they are rather pejorative. So the committee substituted the words "divulgation" and "divulgateurs".

Second, the committee reversed the onus with regard to disclosure. The onus is no longer on those who disclose wrongdoing to provide absolute proof that they are not acting out of bad faith or making frivolous or vexatious disclosures. Persons who disclose wrongdoing will simply have to demonstrate that they are acting in good faith. In my opinion, this is a significant improvement in the bill.

Third—we have already heard this, but I want to take this opportunity to repeat it—the original bill gave the Public Service Commission, meaning the organization responsible for federal human resources, the responsibility to investigate complaints about wrongdoing within the federal bureaucracy. However, numerous witnesses expressed serious reservations about giving this role to a government agency that has such close ties with senior public servants and, ultimately, cabinet. The witnesses said that the commission was not sufficiently independent from the executive branch to ensure that all complaints would receive due process.

The government has responded by committing to appointing an independent commissioner who answers directly to Parliament, and not to cabinet through the Public Service Commission.

[*English*]

I would like to take this opportunity to give credit not only to the committee for pushing for this amendment, but also to the President of the Treasury Board, the minister responsible for this legislation, who is someone, based on my experience, who has a real interest in the structures and machinery of government and a real desire to make things work better. I believe he listened to the evidence that was brought to his attention through the committee, evidence provided by public servants, lawyers, the Information Commissioner, the Privacy Commissioner and experts from other countries who came to speak to the committee to give their opinions about how we were going about protecting whistleblowers. A great deal of credit should be given to the minister and the committee members for making this happen. It was not in the original bill and it is crucial to the bill operating as it should.

I would like to mention another interesting and significant amendment. It may not seem to be so at the moment but I believe it is significant because it sets a precedent and opens up a future debate on the issue of government entities that are involved in security matters. We are talking about the RCMP, the armed forces and CSIS specifically.

The original bill did not cover any of those entities and there were rational, reasonable reasons why this was the case, namely, that these organizations are very different from other government departments and organizations because they deal with security matters. On the issue of sensitive information, even when we are talking about the armed forces, it would not necessarily be a good thing if a superior was not aware of a complaint against him or her, and he or she was going into battle with somebody who had lodged a complaint against them. It is a very different situation that exists within an organization like the armed forces, but the committee heard some very compelling testimony from someone who had been within the RCMP and whose attempts to bring a situation to light had been difficult and had met with resistance and in fact his career had suffered as a result.

When we are talking about the RCMP, it is an important security force but we are not talking about armed conflict or about the armed forces. We are not talking about the same kinds of national security concerns that maybe CSIS deals with. The committee thought this was a good test case to see if having the RCMP subjected to this soon to be law, Bill C-11, might work, and if it does work and it is effective, then in the future, perhaps in five years when the bill is reviewed, we could include or try to include other organizations like the armed forces and CSIS.

This bill has been a big step in the right direction and we should follow its success closely over the years to come so we can improve it again in five years.

● (1615)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I thank the hon. member for Lac-Saint-Louis for his speech. However, I would have liked him to elaborate further.

It is true that we now have a bill that is a step in the right direction, a bill that respects public servants and their desire to improve the public service. At last, people who make disclosures will be able to deal with an independent commissioner, as opposed to the President of the Public Service Commission, as was the case before. The hon. member told us that he himself was a public servant before becoming an MP, or that he was connected with the public service, if I am not mistaken.

Surely, he is aware of the pressure that we felt during the election campaign. Indeed, let us not forget that Bill C-11 was Bill C-25 in the previous Parliament. During the election campaign, his government made a pledge regarding this legislation. There was also pressure from all the public servants, who told us they did not want to come under the President of the Public Service Commission, who is himself a public servant, and who is accountable to the government. Everyone wanted an independent commissioner and this is what we have.

Based on his speech, I understand that the hon. member rather agrees with the criticism from the public service. Therefore, I am asking him if he thinks that it would be in order to thank opposition parties, namely the Conservative Party, the Bloc Québécois and the NDP, who astutely pressured the minority government. The Liberal Party is in a minority position at the committee. This is one of the realities of a minority government. The pressure from the opposition resulted in a bill that is now acceptable to the whole public service and that will bring changes to this government, this Parliament and to the whole public service.

So, I am asking the hon. member if he thinks that it would be in order to congratulate opposition parties for their good work in committee.

● (1620)

Mr. Francis Scarpaleggia: Mr. Speaker, first, I would like to inform my colleague that I was not a public servant. I was a political assistant. Thus, it cannot be said that we were benefiting from the same protection measures with regard to employment security, for example. However, I worked with many public servants. I noticed on many occasions, during my 10 years of experience, that these people are very dedicated to the cause and the common good of the country.

Indeed, this bill is the result of quite intensive discussions by all committee members. As individuals, they acted in a non-partisan way where this was required. Personally, when I was listening to the members' comments, I was not telling myself that the member who was raising a good point was a Liberal or that another one was a member of another political party. I was listening to the individual and personal wisdom of the member.

During the study, which lasted for quite a long time, I noticed that we were making progress. In May, when we thought that there might be an election, the work slowed down. Government members wanted to speed things up. We had got from the president of Treasury Board the commitment that there would be an independent commission, but the work was not progressing.

Later on, in May, the confidence vote was held. At that time, we were no longer thinking about the election. All of a sudden, we got back to work. We worked quite hard and rapidly to finish the examination of the amendments the day before the House adjourned.

I would also like to make a comment on the speech made earlier by the committee chairman before question period. I have a lot of affection and respect for the chairman of our committee, who comes from an opposition party. However, I found that his speech was a little too partisan. My experience tells me that a committee chairman is certainly a partisan person, but that he must still be wise and rather objective.

[*English*]

The Deputy Speaker: It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Renfrew—Nipissing—Pembroke, National Defence.

[*Translation*]

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Mr. Speaker, I will begin with a little aside. I would simply like to say to the hon. member who just spoke that my memory of the clause by clause review of this bill is not the same. I think that everyone contributed. We knew that the work of the House was wrapping up. Every member of the committee wanted this bill to be ready for the House when it reconvened.

Several members of the Standing Committee on Government Operations and Estimates have already spoken and raised several points that I too would like to address. I think it is important to highlight a few of these points.

I feel it is important to remind those watching us of one thing. It is not always easy for them to watch us on various stations, nor is it easy for us to address them on relatively technical matters. I remind them that this bill establishes a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings. This bill is the result of an initiative that I will now take the time to describe.

In 2001, the Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace was approved. It was commonly referred to as the internal disclosure policy. In the meantime, the public service integrity officer position was created. That was in 2001.

In 2003, we saw the Values and Ethics Code for the Public Service come into effect. Also in 2003, the integrity officer I was referring to recommended in his annual report, in light of the difficulty he had carrying out his mandate, the implementation of a new legislative scheme applicable to the entire public service. This recommendation was approved by the Auditor General herself.

Then, the Standing Committee on Government Operations and Estimates, in its 13th report—I did not have the pleasure of being an MP at the time—entitled "Study of the Disclosure of Wrongdoing (Whistleblowing)", recommended that the government introduce legislation to make it easier for workers to disclose wrongdoing in the federal public service and to protect whistleblowers.

That was the genesis of Bill C-25, which died on the order paper, and we all know why. In October 2004, the government introduced Bill C-11, which is before us today.

I mention this chronology to demonstrate that even a policy of disclosure and even a relatively well fleshed-out code were largely insufficient tools, in the very opinion, by the way, of the person who was appointed integrity officer and, by extension, of the Auditor General. She also would have liked to see legislation.

Those tools were inadequate. In my opinion, which is shared by others, the main cornerstone missing was confidence. What was needed for us to have a valid tool was for the general public to have confidence in this law, but more specifically that disclosers have confidence in the disclosure mechanism and in the protection that was offered to them from the beginning to the end of the process. There was even a need, in cases where there might have been reprisals, for them to be confident that there would be mechanisms to protect them or to redress reprisal measures which might eventually be taken against them.

In short, the discloser must have confidence, first, that the very disclosure mechanisms are rigorous, in the same fashion as inquiry mechanisms are. As mentioned by some colleagues, the fact that the responsible person, namely the integrity officer in the civil service, will be an officer of Parliament gives all its credibility to this process.

The discloser must also have confidence that his or her integrity will be protected. That person must be confident that he or she will be protected should there be reprisals because of the disclosure and thus, that there will also be well-fleshed-out protection mechanisms.

This bill—it seems to me—appropriately takes into account those two aspects. In that sense, my colleagues were saying this morning that it represented a significant step forward and I feel they are right.

● (1625)

Once this bill is passed, it will be critically important that an integrity commissioner for the public service be appointed. Naturally, disclosure must be made in good faith.

In this respect, allow me to digress. This fall, I felt very concerned. On various radio stations, I heard radio hosts make very valid comments overall, reflecting a relatively high degree of cynicism toward this bill. "Would it not be perfectly normal for any public servant in any situation to make a disclosure?" they asked, "That is their job". It struck me that these people, both in the private and the public sector, did not have a good grasp of the reality of what a burden it can be to make a disclosure, and particularly to live with the reprisal and all that comes with it.

Under whistleblower protection, reprisals cannot be taken against public servants. I want to stress—not to toot our own horn—that, while all members of the committee have worked on this, the Bloc Québécois gave it special attention. In particular, the Bloc claims responsibility for having transitional clauses included in this bill. I was and still am convinced that, the organization in which a public servant works being relatively small, whatever the nature of the disclosure, it will not be long before people figure out who the whistleblower is. It is therefore important, in my opinion, that transitional measures are in place so that, from the start, the head of that organization, be it the deputy minister or whoever else, can tell this government entity that immediate steps will be taken to ensure that the public servant in question can work elsewhere.

As far as I am concerned, this has to be done, even if it means paying this person to stay at home because he or she made a disclosure. A civil servant must never be victimized because of this legislation and its requirements. I was very pleased that all my colleagues approved this provision, among others.

When this bill has been passed, the legislation will work only when all departments and agencies really "promote ethical practices in the public sector" and "a positive environment for disclosing wrongdoings". I find that phrase a bit odd, but there it is. People must feel free to disclose if they have a substantial doubt in good faith. This will not take concrete form unless and until a rigorous and detailed broad scale awareness program is carried out . This will, of course, have to encompass the entire public service, in conjunction with—and I cannot emphasize that enough—the various unions representing the employees, because they are equally involved.

While it will not be a cure-all, this bill ought to make it possible to raise the public's level of confidence in its democratic institutions. It will definitely protect the public purse and, let us hope, will prevent any more scandals and other flagrant cases of using public funds for purposes other than those for which they are intended. It will therefore oblige governance to be far more tightly controlled.

This is a tool with both a defensive and an offensive aspect. It is, moreover, important to note that no one will be above this law. Even the public service integrity officer could be investigated in connection with a disclosure. At such time, clause 14 in motion 4, one of the tabled documents, clearly indicates precisely at which point the Auditor General herself would investigate, and thus would on that occasion play the role of the commissioner.

● (1630)

In conclusion, it will be worthwhile for all members of this House to study the annual report the commissioner will be presenting, at the appropriate time, and to gauge the way this tool is evolving, based not only on statistics, but also on two things: the impact of its implementation and the recommendations made by the president and what systemic problems giving rise to reprehensible acts are identified.

The provisions in the bill on the minister's obligation to carry out a five-year review for submission to both Houses constitute a sign of the committee's desire for the disclosure mechanisms and the protection of whistleblowers to adapt to new realities and new issues as they arise.

● (1635)

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, I commend the hon. member for Rimouski-Neigette—Témiscouata—Les Basques for her excellent presentation and her exemplary work at the Standing Committee on Government Operations and Estimates.

There was one thing all parties could agree on in improving Bill C-11 and that was the fact that the commissioner needed to be entirely independent.

As for the testimony, I call on the hon. member for Rimouski-Neigette—Témiscouata—Les Basques to stress how important it was, especially to the Public Service Alliance, for the commissioner to have complete impartiality and how all the parties agreed on this almost right away during the discussions. I would like her to elaborate on what was said at the parliamentary committee.

Ms. Louise Thibault: Mr. Speaker, I thank the hon. member. Seriously, I am not kidding when I say that five or ten minutes would not be enough time to really deal with all the representations that we heard. These representations were precisely to the effect that—and I will put it the way it was mentioned to us—it should not be the incumbent, but the position of President of the Public Service which should have this responsibility. In this respect, I agree with the member who just put the question to me, particularly regarding the fact that—for reasons which, in certain respects, were unknown to me—the perception is that, by virtue of his or her mandate, the president is not someone who is neutral. That was the position of the Bloc Québécois, and it was based on the existence of a doubt, given the hierarchy in place.

So, we began to make representations to the President of Treasury Board, on behalf of all those who were coming to us. Indeed, it was necessary, for the benefit of this legislation, that it be an officer of Parliament just like other officers of Parliament, so that public servants would have total confidence in the process. That process must be used. This legislation was not created only to be left unused. But in order for it to be used, in order for people to have confidence in the process, and in order to ensure transparency, we had to make this request and we were all pleased when it was met.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, under clause 55, which is consequential amendment to the Access to Information Act that was referred to by one of the speakers as the "cover-up clause", the clause basically states that information gathered during an investigation may be withheld under the Access to Information Act for five years if it is expected to lead to the identification of a public servant who made a disclosure under the act.

The Conservative member who spoke on behalf of his party suggested that this clause should be eliminated. I thought that as part of the witnesses and the concerns about the anonymity of people, it would be very important that this clause stay. In fact, the Auditor General, under her investigatory powers, has a 20-year protection under the release of information under investigation.

I wonder if the member would share her views on whether this clause should stay.

[*Translation*]

Ms. Louise Thibault: Mr. Speaker, I could provide an answer in three seconds. It is very simple. We took part in this work and we agreed, during the clause by clause review, on the content of this legislation. We will see as time goes on. I would certainly not ask for changes today. As the hon. member mentioned when he made his comparison, it is generally 20 years. We managed to bring in down to five years. The bill provides for a five-year review. Therefore, we will be able to see very quickly if we were right to include this provision, or to not shorten that period even more. I have faith in the process and in the clauses that we just put together to create this act, and I am totally satisfied with it.

● (1640)

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, on a point of order. I think that you would find unanimous consent to amend a section of the bill. The amendment would read as follows:

That Bill C-11, in Clause 21, be amended by replacing, in the French version, line 22 on page 12 with the following: "fait l'objet de représailles pour avoir divulgué de".

And that is all. That will correct a concordance omission in the present text of the bill. It will simply replace the word "dénoncé" with the word "divulgué" as in the rest of the bill. I think that you will find unanimous consent to approve that amendment

[*English*]

The Deputy Speaker: Does the hon. member for Repentigny have the unanimous consent of the House to move the amendment?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

(Amendment agreed to)

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, I too am pleased to speak on behalf of Bill C-11. I appreciate the hon. member's amendment because it sets the tone for just how conducive and cooperative the passage of this was through the committee stages.

As previous members have already explained, the government operations and estimates committee worked hard to strengthen the so-called whistleblowing legislation to ensure it would meet the needs of public service employees today and into the future. I would like to provide a few more details on the amendments that have been made.

As has been noted, the biggest issue raised in the committee's hearings was the designation of the President of the Public Service Commission as the neutral third party. She explained the committee's position and the resulting commitment of the government to propose a new independent officer of Parliament as a neutral third party for disclosures.

I applaud the committee, the witnesses who appeared and the government. This is truly a demonstration of what democracy can achieve if there is goodwill.

The work of the committee was not done with this one change. The committee and the government proposed several additional amendments to further strengthen the bill during the clause by clause review. Some hon. members have mentioned a few of these and I would like to talk a bit more about them.

The RCMP was initially excluded from the bill due to the unique and specialized nature of its operations and concerns about information security, though it would have had to establish similar disclosure regimes for its members and employees. It now explicitly is included in the bill and the committee received appropriate kudos from those parties.

In addition, other amendments were made to broaden the bill. For example, the definition of wrongdoing now includes any activity in or relating to the public sector, regardless of who carries it out. It is not restricted to an activity carried out by a public servant. As well, the proposed public sector integrity commissioner would have the discretion to undertake an investigation on the basis of information received, not only from public service employees, but also from outside the public sector.

Another amendment makes it clear that a public servant can disclose any information he or she believes could show that a wrongdoing has been or is about to be committed, or that a public servant has been asked to commit a wrongdoing. In other words, the bill requires less certainty in the mind of a public servant about a potential wrongdoing before he or she can disclose information about it. These amendments significantly enlarge the scope of the bill.

Other amendments strengthen the protection of public servants making disclosures. For example, the bill would allow for providing temporary assignments to persons making disclosures or persons who have been the target of reprisals.

The bill had required the Treasury Board to establish a public sector-wide code of conduct and indicated that organizations could also establish their own complementary codes. An amendment during the clause by clause review now makes it obligatory, not optional, that organizations establish their own codes of conduct.

Though the committee adopted several additional amendments, time limits me to mentioning just one more set. In order to reflect the positive spirit of the bill that the committee was trying to achieve, the French version replaced the more pejorative "dénonciation" and "dénonciateur" with "divulgation" and "divulgateur". This reflects our belief that disclosing information that could indicate a wrongdoing is an honourable thing to do.

● (1645)

As well, the definition of a protected disclosure has been changed from one that "is not frivolous, vexatious or made in bad faith". That has been changed to one that is made in "good faith". These wording amendments may seem minor, but the change of a few words has captured the positive light in which the committee and the government view the proposed legislation and the positive way in which they would like Canadians to understand and support its objectives.

I also would like to offer my thanks to those who took the time to appear before the committee and to the committee itself for working so diligently and cooperatively. The bill will create a positive public sector environment that will support public servants in playing their important role in serving Canadians and the public interest.

The goal was to create a strong and efficient mechanism for disclosures, one that was broad, flexible and fair. I believe this goal will meet every potential situation.

We must remember that we did not start from zero. There was a Treasury Board policy on disclosures that had served well since it was put in place in late 2001, and it was effective. However, enshrining disclosure protection in legislation is a significant step forward.

Because of the amendments, of which I spoke, it does three main things. It sets out a very broad range of circumstances in which a disclosure investigation can be launched. It includes measures to give federal public servant sector employees confidence to come forward. It promotes and supports ethical behaviour throughout the federal public sector.

A key feature involves protecting employees from reprisal. To embellish this, they include strong confidentiality provisions to protect the identity of the person making a disclosure, reasonable time to register a complaint of reprisals, provisions for the temporary assignment of employees affected by a disclosure case and the option to make reprisal complaints to labour boards that have the authority to make orders to remedy the situation. All these are aimed at giving public servants more confidence to come forward.

The fact that it is an officer of Parliament as a neutral third party is also something quite positive. It has been mentioned and spoken about by other hon. members, but I would like one thing to be emphasized. The bill makes it very clear that public servants have the option to make disclosures directly to the proposed new public sector integrity commissioner. Using this option to use an internal disclosure mechanism, I believe is something extremely positive. There are a few other examples that we could use, but the existence of these two avenues reflects the bill's third main thrust and its overall larger purpose of building a positive environment.

The bill as it exists will ensure that what may be small matters now do not have the opportunity to grow into major situations.

With all of these in view, the codes, the values for our public servants and the fact that they exist in a vast majority of honest and committed public servants, they know they can help not only Canadians but each and every one of us as legislators. I am proud to have been part of this and to have worked with members of the committee and the government. I am proud of having had the opportunity to learn from the presenters.

● (1650)

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, I said this morning that the bill in front of us is a welcome one. It is a major step towards the protection of honest civil servants.

Earlier, I heard my colleague from the Conservative Party say that very often it was the civil servants who were good workers, who were extremely honest and who really took their job to heart who noticed wrongdoings that had to be brought out into the light of day.

I also said this morning that the bill reflects demands that came mainly from the Public Service Integrity Officer. That officer has been asking for several years to have more power to be able to do more and to help people who have problems with their supervisors or because they disclosed wrongdoings. The Professional Institute of the Public Service of Canada also requested a legislative framework that could guide its members, who are professionals. The Institute also requested legislation to protect in all senses of the word public servants who decide to disclose wrongdoings.

The bill guarantees to a certain extent that whistleblowers will be protected. As a member of Parliament, how can I be sure that whistleblowers will be protected for a certain number of years? Even if they are transferred to a new working environment, as is proposed in the bill, what guarantee do I have that in their new place of work they will be protected from people whose friends may have had the whistle blown on them?

[*English*]

Mr. Ken Boshcoff: Mr. Speaker, all four parties discussed this at quite considerable length to ensure that not only were the reprisal mechanisms in place to protect employees, but that it would have longevity to it.

When we went through all the possible scenarios, we had the value of being provided with a great number of witnesses who explained various processes and amendments that would help us get through this. Through that process of the details, many of the ambiguous terms have been removed. The bill is very specific about what recourse employees would have if they felt they were being subjected to reprisal. They would have places to go. The independence of the commissioner also makes it much more solid. The atmosphere, attitude and environment ensures that employees have credibility. It encourages them to come forward.

In terms of transference, I believe that the legislation would do that if an individual moved to another department.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I have a quick question, since there is not much time left.

I want to ask the hon. member, who is a member of the most corrupt government in Canadian history, if he believes that this bill would have been possible without the sponsorship scandal and the pressure exerted by the opposition, particularly in terms of the independent commissioner.

● (1655)

[*English*]

Mr. Ken Boshcoff: Mr. Speaker, in the spirit of cooperation the committee to a large extent tried to avoid that type of invective. I believe the plans were on the books to bring this type of legislation forward. I feel very proud to have been part of a government that did that. The fact that we managed to do that in a minority situation confirms that we expect the same attitude to prevail and we hope for unanimous passage of Bill C-11.

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Mr. Speaker, I am pleased to speak to Bill C-11, the whistleblower protection.

I speak with some trepidation on the bill. I have not been here quite as long as Mr. Speaker. However, some of the stories I have heard over the last eight years about the abuses in some departments leaves something to be desired. I will get into some specific examples of the culture that has permeated within the Liberal Party, which is quite shocking and appalling.

Before I do that, I would like to acknowledge the Conservative member for Stormont—Dundas—South Glengarry. He took a bill which we could not support and, through a lot of hard work, he managed to get enough amendments so there will be some meaningful aspects to the whistleblower protection.

In its first form from the Liberal government, the whistleblower's report would go to cabinet or the minister. Now it comes to Parliament. There have been some meaningful amendments that will allow us to at least support it and send it off to committee.

Again, I do this with a certain amount of skepticism. I will explain why. I will give an example which is not exactly about whistleblower protection, but it has all the elements of what that party has created.

I have been working on a file in my riding for a number of years. It is called the JDS tax file. This situation is where hundreds of employees were wrongfully taxed on a phantom income of which they never saw one thin dime. It has been in the media and the news nationally. For a long time it has been in the local news.

It was incomprehensible. Some of these people were facing tax bills of $200,000 or $300,000 on what I call a phantom income. These people never saw this income, yet Revenue Canada was aggressively pursuing them. They were desperate. They came to see me. We took up their cause and we worked on this for a number of years. This goes back to when the current Prime Minister was then the minister of finance. We had numerous meetings with him as the minister of finance and some of his staff members, such as Karl Littler. We were close to a solution.

All this time these people were hanging on to a glimmer of hope, a thread that this could possibly be solved and they would not be put into financial ruin.

As the story unfolded, we had lots of promises and empty rhetoric, but then we got into the last election. During the last election some of these people had an opportunity to speak directly to the Prime Minister, one on one with cameras rolling. This is all a matter of public record. The Prime Minister was fully aware of the file because he had met with me on at least two or three occasions. He knew that they were tax people. He said that they would fix it, that he had told Ralph to take care of it. They got passed off from one minister to another minister. It was a very frustrating time for these people. I will get to the element of the whistleblower protection.

I shake my head in disbelief that the government would do this. I have to question its sincerity and genuineness in this.

Numerous promises to fix this situation are on the public record. There were numerous meetings with other members of Parliament. The member for Esquimalt—Juan de Fuca apparently became involved. Privately and on the radio he told these people that he had an agreement in place, that a deal had been struck and that their problems were solved. Then all that fell apart, and these families face financial ruin.

To add insult to injury, one family in particular, the Woods family, has been very vocal. They have been in the media. They have been telling their story. They are not being partisan. They are not on one political side or the other. They are telling their story about how they have been treated by Revenue Canada and how no one on the government has listened to their concerns.

● (1700)

They were frustrated beyond our wildest imaginations. Everything they worked for was on the line. This went on for three or four years. The government kept dangling carrots in front of them that it was going to resolve the matter, that a solution was imminent. We heard language from the Prime Minister's staff that they had advised Revenue Canada to cut the motor on these files. The member for Esquimalt—Juan de Fuca would tell them that a deal had been struck that they would only be paying pennies on the dollar. This file has been going on for three or four years. What did the government have the gall to do?

The family that spoke up, the family that was in the media trying to get the public's attention, the Liberal government punished them the harshest. The ones who were silent and were not out in the media —I do not think were treated fairly at all; they should never have been paying taxes in the first place—did not have to pay the back interest. Some of them paid 80¢ on the dollar, some paid 60¢ on the dollar, but all of the ones who never spoke up virtually did not have to pay the full amount. The families that spoke out, the whistleblowers, the families that went public, the government berated them and charged them back interest.

An hon. member: It has nothing to do with whistleblowers.

Mr. Gary Lunn: Mr. Speaker, I heard someone say that this has nothing to do with whistleblowers. It has everything to do with whistleblowers and the culture of that party. That is what I am talking about. The family that went public and brought the issue to the forefront was punished severely, unfairly and unjustly by the Liberal government.

The government dithered away for four years trying to resolve this matter and the government had the gall to charge them interest for all that time. It is unconscionable. Never mind the principle. Why? Because they went public to the media and criticized the government. That is how the government responded. They ended up paying the entire phantom tax bill when they never saw a penny of the income, and tens of thousands of dollars in interest because the government dithered for four years.

The member for Esquimalt—Juan de Fuca said to me and said it on public radio that they were going to pay pennies on the dollar, and then he denied saying it. The problem is he said it on an open line radio. There is an audiotape of it. The government's response was to chastise the families.

The Minister of National Revenue, fully aware of the file, was out in Victoria in the middle of September, only a few weeks ago. One of the families called in and spoke to him on air. He wanted no part of that, “Let me take your number off the air and I will get back to you”. Have they had a call yet? No. Does he care about these people? No. Is he a Liberal? Yes.

That is why, when we talk about whistleblower protection, maybe it is about time. That party has been in power for over 10 years. It is coming up on 12 years. We have witnessed one scandal after another scandal. Billions of dollars have been wasted. Money is being shoveled back to their Liberal Party friends. We have watched the whole sponsorship scandal where suitcases of cash have been sprinkled throughout ridings in Quebec. We need whistleblower protection, because how are they going to treat the people who dare to speak up?

● (1705)

This is all a matter of public record. It is all a matter of fact. Well I am sorry, it is a little too late to salvage those Liberals. What they have done to the Canadian people and the taxpayers, how they have treated their tax money with utter disdain, one scandal after another, and the corruption, and giving defeated Liberal cabinet ministers like Mr. Dingwall plump posts, it is outrageous.

Am I skeptical about this? Yes. Will we support the bill again at committee? Yes. However, no legislation can fix the way the Liberals have treated Canadians for the last 11 years. The Liberals need to be thrown out of office today.

Mr. Gary Carr (Halton, Lib.): Madam Speaker, from listening to the earlier speeches of the member's colleagues, I believe they will be supporting the bill. Many of his colleagues said that it was a good bill.

Having listened to the member's presentation this afternoon, one of the things that did not come out is how the member will be voting on the bill. I take it as a result of the circumstances that he outlined to the House today that this bill would help some of the people involved.

My question is a very simple one. Now that the member has finished his speech, how will he be voting on this bill?

Mr. Gary Lunn: Madam Speaker, as I said earlier, we will be supporting this bill. I applauded the Conservative member for Stormont—Dundas—South Glengarry for bringing forward amendments that would make the bill at least to the point where we could send the bill to committee and try to get further revisions. It is a step in the right direction, absolutely.

However, it is almost shameful that this is what is needed after 11 years of scandals, to have whistleblower protection. The Liberals have been at the centre of all the scandals, every single one. It does not matter, the political interference; I can name file after file. Yes, sadly, we do need this type of legislation.

Would it help those people? No, because the Liberal Party has a very narrow focus on who it can support. The Liberals have left the option for the cabinet to exclude certain crown corporations, "Let us just have a look here. Maybe we played with these crown corporations; we had better exclude them. Heaven forbid, we would not want any whistleblowers coming forward". They have the power in this legislation to exclude specific crown corporations.

Would it help the people I referred to? No. Because the Liberals would come down with an iron club, club them over the head, take away their home and everything they have. Even after making promises to the public, with the cameras rolling, the Prime Minister during the election would say anything just to get a vote, but when the rubber hit the road, his words were hollow. They were empty. They were meaningless. His words were not worth anything. He knows it. The people in greater Victoria know this, because it is all public record. Clips have been shown on television of the Prime Minister speaking. Thank goodness there were cameras to catch all of it. That is why I am so deeply offended.

To answer the member's question, we will support it. We will try to improve it at committee. We will try to amend it even further so that when whistleblowers come forward and expose the waste, the corruption, the money that goes to the Liberals' friends, that goes to defeated Liberal cabinet ministers, yes, we will do everything we can to protect the Canadian taxpayer.

● (1710)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I would like to help the member correct the record.

Bill C-11 was referred to committee after first reading. It has already been there. The member maybe misspoke himself with regard to that.

The other matter he raised was with regard to crown corporations. All crown corporations and agencies are subject to this bill. The only exclusions whatsoever with regard to Bill C-11 are the military and CSIS.

Unfortunately, the member is not on the committee and has not had an opportunity to read the bill, but I want to assure him that Bill C-11 had the unanimous support of all parties at committee. We worked very hard to make Bill C-11 a good piece of legislation. Hopefully, now that we are at report stage and second reading, it will pass this place very quickly on behalf of all public servants and Canadians.

Mr. Gary Lunn: Madam Speaker, I meant to say that we will try to amend the bill even further to ensure that it is in the best interests of the Canadian people.

With respect to the cabinet, let me say this. Cabinet can arbitrarily remove several government bodies from the protection of Bill C-11. They are listed in the schedule to the bill. To suggest that everybody is included absolutely is not accurate. In fact, they include the Bank of Canada, the Public Service Pension Commission and the CPP Commission. There are bodies that cabinet can exclude. They are listed in a schedule to the bill. I advise the member to get a copy and read it.

[*Translation*]

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Madam Speaker, it is a great privilege to speak today on behalf of the amended Bill C-11, the proposed Public Servants Disclosure Protection Act.

I would like to add my voice to those of my other hon. colleagues, and commend the Standing Committee on Government Operations and Estimates for its excellent work on Bill C-11. We could almost talk about a collective will to achieve something that may not be perfect but that has been greatly improved over the original version, which had been under consideration for a number of years. This collective will was also determined to have this Parliament adopt this legislation as soon as possible.

I do not want to spend a lot of time walking through the history of this bill, but I do want to remind hon. members that indeed it has a long history, one that goes back to the Sub-Committee on Whistleblowing of the government operations and estimates committee in 2003.

Bill C-11 is an evolution of a previous disclosure bill that received much input and debate, but which did not progress through Parliament due to the election call in the spring of 2004. And the bill that is before us today is an amended and, I would add, improved version of the Bill C-11 we saw at first reading. In other words, the disclosure bill has been the subject of intense scrutiny and consideration in the House and in committee. Involving all sides of the House and dozens of witnesses, debate over what Canada's disclosure legislation should look like was long, open and fruitful. The bill we have arrived at is the product of that debate.

[*English*]

I also want to underline to hon. members that if and when the bill is passed, our involvement in this disclosure legislation will not end. Hon. members will hear more over the coming months and years about various elements of the bill and will have a role in how many of them play out. We will still have the opportunity and the responsibility to keep tabs on how the legislation is being implemented. Let me explain.

As other hon. members have noted, the proposed public servant disclosure protection act requires the Treasury Board to establish, in consultation with employee unions and bargaining agents, a code of conduct for the public sector. The importance of this code cannot be underestimated as a serious breach of the code is considered a wrongdoing under the act. Once the code has been developed, it will be tabled in each House at least 30 days before it comes into force. Parliamentarians will have the opportunity to review the code of conduct before it comes into force.

In addition, if the bill passes, a public sector integrity commissioner will need to be selected and appointed. I must say that we had a thorough discussion on that very subject. We had many representations to that effect and all parties agreed to submit the amendment to the House.

The appointment is approved by the House and the Senate and thus parliamentarians would have a participatory role in the process of selecting the right candidate for this very important position.

● (1715)

[*Translation*]

As an officer of Parliament reporting to Parliament, the proposed new public sector integrity commissioner will report directly to Parliament, that is, to hon. members of the House as well as the other chamber. The commissioner will be accountable not to a minister, but to us in this House.

The commissioner would report annually to the House on the disclosure investigations undertaken during the year and on any related issues of concern. The annual report would be reviewed in committee. In addition, the proposed public sector integrity commissioner would be free to make special reports to this and the other chamber, at any time, on any subject related to his or her mandate.

Unfortunately, I will not have enough time to get into some very important clauses of Bill C-11. Just the same, I would like to call to the attention of members clause 8, which defines wrongdoings. The standing committee took a lot of time and heard many witnesses to develop the most accurate definition possible of what could represent a wrongdoing.

Obviously, it does not cover all government activities. But I think that we kept the definition short to prevent diluting the legislation per se, had we gone into too many details.

Hon. members should take a look at clause 20 as well. I personally met with representatives of the Public Service Alliance of Canada on many occasions on this topic, to ensure that this legislation, Bill C-11, protects whistleblowers. There have been problems in the past. We consulted other jurisdictions and other countries. What we have now may not be perfect, but we can take the next five years to examine, as other members said, how the legislation has worked and make changes as required. What is really important is that those of our civil servants who do disclose wrongdoings have the full protection of the law.

And what about the independence of the commissioner who will be reporting directly to Parliament? Once again, this was a request from our civil servants, which we understood well. I was pleased to see the government amendment in this respect, which will be part of the consideration of the bill by this House.

[*English*]

Finally, the bill also requires a review of the proposed act five years after its implementation. The proposed legislation specifies that an independent review of the act, its administration and its operation must be undertaken and the review presented to Parliament. This will allow Parliament to assess how well the legislation has worked, whether there have been unintended consequences and whether any changes need to be made.

I raise these issues to impress upon hon. members that Bill C-11 has evolved through the hard work, input and expertise of many individuals and organizations over the past few years. The result, in my view, is that the amended bill has met the government's goal of being the best bill it can be.

● (1720)

[*Translation*]

At the same time, if the bill passes—and I sincerely hope it does—we in this House will still have an important role, to ensure that it is implemented well and that it lives up to its potential.

We will have the responsibility for exercising an ongoing thoughtful and responsive role towards the commissioner.

We will also have the ongoing responsibility to ensure that this legislation supports federal public sector employees, today and into the future, to play their important role in supporting ministers, under law, and to serve the public interest.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, I have been listening to the debates all day.

We are turning this bill into a model bill. It still needs to be polished, but it is a great bill. We must commend the hon. members who worked on this committee.

That said, I still have not received an answer to my question or the comments I made this morning. I will ask my question more directly, then maybe I will get an answer.

Public servants have asked for unequivocal protection, wall-to-wall protection, if I may say so. An employee of the federal public service who discloses wrongdoing will be protected beyond the moment of the incident in question. They will be protected even if they are transferred to another establishment or another sector. What provisions have been made for this? What unequivocal protection does this bill provide public service employees?

Mr. Marc Godbout: Madam Speaker, I thank the hon. member for her question.

This is something that was discussed at length during committee hearings. Clause 20 of the bill establishes that any reprisal against a public servant is in and of itself wrongdoing. The definition of wrongdoing includes reprisal against a public servant. You have to look at the wording of the bill for all the details on this. That is not to say that the bill is perfect, which is why there will be sunset review in five years to look at any problems that may have come up during that time.

We could have spent more time on technical questions that might come up with certain clauses, but the collective will was for Parliament to pass this bill. We had been in legislative limbo for far too long and our public servants did not have enough protection with respect to any wrongdoing they could have disclosed. The committee did as much as it could on that aspect. I hope that any corrections that may be needed can be made during the review process that will be developed.

Mr. Benoît Sauvageau (Repentigny, BQ): Madam Speaker, after the question asked by the hon. member for Terrebonne—Blainville, I would like to ask my colleague who assiduously followed the work of the committee if I understood correctly. She wants to know if a civil servant who was victim of a wrongdoing would have absolute protection. I would like to ask him if that is what he understood from the witnesses heard in committee because in clause 20 of the bill, we see that there is a 60-day limit. A little further on, the bill says:

> That the Board may revise the deadline if it believes that there is still an offence after the 60-day period.

By working on the bill, by hearing dozens and dozens of witnesses and by asking questions to ensure that there would be sufficient protection against reprisal, I understood that the normal reprisal period was right after the employee came back to work. In certain cases, after a transfer or the return of the former boss, if reprisals happen, the bill would allow for the re-opening of the case to make sure that the protection still applies. That is how I understood the bill. Am I right or can the hon. member, who also participated regularly in the committee meetings, correct my impression?

● (1725)

Mr. Marc Godbout: Madam Speaker, we have essentially the same understanding, because this was the subject of the debates on this issue during the committee work.

I would also like to go back to the definition of wrongdoing. This definition is not necessarily limited by a time factor. In other words, if an employee is a victim of reprisal, I believe that he or she should be protected not as a function of the 60 days, but as a function of the wrongdoing that was done at the time that it was done. This is rather technical, but I was satisfied, and I think that the hon. member was as well, in the sense that this was effectively covered by the act. As the hon. member for Rimouski-Neigette—Témiscouata—Les Basques is saying, we will have to see the implementation of the bill. If there are things to improve after the five-year period, we will do so at that time.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Madam Speaker, I want to start by acknowledging the good work the committee has done on this very important piece of legislation. In particular, I want to acknowledge the dedication and commitment that my colleague from Winnipeg Centre has shown in regard to the bill over a number of months.

I want to speak a little about the context for this bill. A number of other members have spoken about the technical aspects of it, but I want to remind the House of why this legislation is so important to people who perform good public service in our country. Most public servants are dedicated, committed, hard-working people and they want to be able to perform their duties with a level of integrity that is recognized and rewarded through recognition of the good work.

I want to first refer to the submission to the committee made by the Professional Institute of the Public Service of Canada in April. I think it outlines why this is such an important piece of legislation. The introduction states:

> Many of our members, through their licensing bodies and professional organizations, adhere to strict codes of ethics and must bring to light unethical practices in their everyday work. Their commitment to high standards of practice and professionalism protects the efficacy and integrity of government programs and instills the confidence of Canadians. These admirable characteristics mean that it is our members who are most vulnerable when things go wrong. It means that they must have strong and effective legislation to protect them, their careers, and their families.
>
> Strong and effective whistle-blowing legislation not only serves our members and employees throughout the broader public service but the Canadian people by protecting programs and safeguarding the trust they place in their government.

This is an important statement because of the fact that we have seen a number of things over the last couple of years which have really undermined the confidence of the Canadian people, both in their government and their public service. I think it behooves us to remember that most public servants do operate from a place of integrity and that they are very concerned with making sure there is legislation in place to protect them when they want to bring to light the things they see as important for a broader discussion in the Canadian public.

As well, the Canadian Labour Congress also did a presentation to the committee in April. Its members talked about some things which I think we do not normally consider when we are talking about whistleblowers.

The CLC report stated that disclosing wrongdoing is an extraordinarily courageous act on the part of an individual worker who is exposing the wrongdoing of people who have power over them in the workplace, power backed up with immense resources of a huge institution. Speaking the truth about wrongdoing is done with the knowledge that this may have serious implications for the one making the disclosure as well as for the person or persons involved in the wrongdoing if so proven. It is not a decision taken lightly.

I am going to talk in a couple of minutes about what has happened to some of our whistleblowers in Canada and the extraordinary courage they have demonstrated in risking their jobs and their homes in bringing forward issues.

From the same Canadian Labour Congress report, I want to quote a couple of numbers because I think they also signify how important it is that we do protect our workers. A United States study talks about the potential for harmful consequences. This was highlighted in the October 2004 edition of *Policy Options*, in which Donald C. Rowat highlighted a research study undertaken in the United States on the fate of whistleblowers before the U.S. disclosure law was strengthened.

Of 161 workers who made a wrongdoing disclosure, 62% lost their jobs,18% were harassed or transferred, including being subject to isolation tactics and character assassination, and 13% had their responsibilities or salaries reduced. Many experienced mental breakdown and family breakup. These are high prices to pay.

The willingness to take such high risk points to the integrity, personal strength and commitment to the public of workers who disclose wrongdoing. I think that talks about the tremendous courage they have. Many whistleblowers go into this with their eyes wide open. They understand that when they step forward there will be repercussions for them. That is why this piece of legislation is absolutely critical.

● (1730)

One of the members previously highlighted clause 8 of the bill which talks about wrongdoing. I am going to specifically refer to subclause 8(d) that talks about an act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment other than a danger that is inherent in the performance of the duties or functions of a public servant.

This brings me specifically to two cases of whistleblowing within Health Canada. These people came forward because they were concerned about the health and safety of Canadians.

The first whistleblower I want to refer to is a man by the name of Pierre Blais, who was fired a number of years ago by Health Canada when he consistently raised concerns about silicone gel breast implants. He wrote memos about this issue. He looked at reports that talked about some grave concerns about the safety of silicone gel breast implants. This man lost his job with Health Canada. However, he has continued to be a very outspoken person on this issue. He recently appeared before a Health Canada panel examining whether silicone gel breast implants should be re-licensed.

It is a major concern when somebody loses his job because he dared to buck the thought of the day when all he was doing was trying to protect the health and safety, and welfare of Canadians. It is shameful that people who speak up lose their employment.

I am now going to talk about three other very famous whistleblowers in Canada. I am going to read a bit from a press release from *The Scientist* of May 2005 that talked about these Canadian whistleblowers winning their review. It stated:

> Three Health Canada scientists who say they were fired for raising questions about the way that the agency approves veterinary drugs have won another round in their years-long battle in their campaign for reinstatement.

I want to draw to the House's attention the fact that it was a "years-long battle". These three whistleblowers have been struggling for years to get some recognition that they were wrongfully dismissed and the toll it has taken on their health and on their families is tremendous. The article went on to say:

> The Federal Court quietly released a decision on April 29 ordering the public service integrity officer to reconsider complaints from Shiv Chopra, Margaret Haydon, and Gerard Lambert that they, and the late Cris Bassude, had been pressured —and then sacked—for speaking out about the dangers of mad cow disease and about the use of hormones and antibiotics in the food supply, particularly the use of bovine growth hormones.

These dedicated people were speaking up about BGH, bovine growth hormone, and mad cow disease. One of these individuals is now unfortunately deceased, but the other three dedicated people lost their jobs. They courageously put their jobs on the line to bring these issues to the public's attention. They continue to be harassed and chased around in court, and cannot get this issue resolved. Presumably whistleblower legislation would protect people from having this kind of thing go on.

I want to quote another paragraph from *The Scientist* of May 4, 2005 because it shows how ineffective we have been in the past in dealing with these kinds of issues. The article stated:

> The Public Service Integrity Office (PSIO) was created in 2001 to provide "public service employees with an independent and neutral external review of disclosures of wrongdoing in the workplace". Its mandate includes ensuring "that an employee who makes a good-faith disclosure is protected from job reprisal".

We know how effective that organization was because it did not protect those four workers from job reprisals. Public Service Labour Relations Board hearings have been held and government lawyers have been involved. This has been going on for a long time.

I want people to understand the impact of this on people's lives. As mentioned in the article, Shiv Chopra was one of the people involved and he said that he currently has no income and had to sell his home in order to survive. Whistleblowers, people who courageously come forward to expose wrongdoings to protect the health and welfare of Canadians, should not at this stage in their lives not only lose their careers but lose their home as well.

I look forward to the rapid passage of Bill C-11. I encourage all members to support this legislation. Let us protect our public servants, so that they do not have to face the kind of situation that these Health Canada employees faced.

● (1735)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Madam Speaker, the member did go at length into some of the testimony that was heard before the committee on Bill C-11. There was almost a year's worth of testimony to get us to the number of amendments we have today. If we look back to the last session of Parliament, Bill C-25 was there and almost word for word the same testimony was given by the same health department officials or the same representative organizations that the member spoke of early in her remarks. Those witnesses gave almost exactly the same type of testimony about what they would be looking for in whistleblowing legislation and yet the legislation that was brought forward was called by them, during some of their testimony at committee for Bill C-11, as fatally flawed, as being worse than not having it.

The government brought forward legislation that had to be amended. I agree that we have some very good amendments now. Does the member believe that if we were not sitting in a minority Parliament right now, that Bill C-11 would not look anything like it does?

Ms. Jean Crowder: Madam Speaker, I think that the member is absolutely right. What we have seen is the fact that a minority Parliament can actually produce results and it was only because it was a minority Parliament did we get the kind of legislation that is actually going to protect whistleblowers in Canada.

I also appreciate the fact that revisiting legislation time after time without results is counterproductive. We always talk about efficiency, productivity, transparency and using our resources appropriately, yet when we keep resurfacing bills without getting on with them, it does not speak to anything that is efficient or a good use of resources.

Transparency is a really important aspect of this and I did not get a chance to talk about a 1996 report that Health Canada commissioned. If we want to talk about transparency and repeat business, Health Canada commissioned a report in 1996 on silicon gel breast implants that still has not seen the light of day. I hope we get more action on Bill C-11 than we have in previous bills.

Mr. Gary Carr (Halton, Lib.): Madam Speaker, I had the opportunity to speak to the member for Ottawa—Orléans who spoke earlier regarding the bill. He talked about the Public Service Alliance and its appearance before the committee, and its support of the bill. Is it the hon. member's understanding that the Public Service Alliance supports the bill? I understand that it was actively involved.

● (1740)

Ms. Jean Crowder: Madam Speaker, my understanding is that both the Canadian Labour Congress and the Public Service Alliance support the bill with the amendments that are before the House, so that it does report back to Parliament, and that there be more objectivity in the bill. It is with those amendments that I understand that the employees and the Canadian Labour Congress are supporting the bill as it stands.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Madam Speaker, I would like to speak to Bill C-11 and talk about some of the work it took to get this bill where it is today. The previous speaker talked about the number of witnesses that came before the committee. Some of them had been before the previous session's committee on Bill C-25, which was also whistleblowing legislation.

Bill C-11 is an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings. If we could turn that into normal talk for people who are not in the public sector or work in the government, it simply means that when someone sees something wrong in their workplace, they can come forward and report it, and fear no reprisal for having done so.

In a perfect world, there would be no reason for this type of legislation. Public sector employees and all employees would come forward with suggestions and point out areas where their workplace could be a better place to work. Employers would always be open to those suggestions, open to the points being made by their employees that maybe a better way was there, a more legal way was there. In a perfect world there would never be a need for whistleblowing legislation. Welcome to a non-perfect world.

We do not live in a perfect world. We have had some examples of scandal in this government and in our public sector workplace that calls for the need for legislation such as Bill C-11. We need to have the ability to protect workers who come forward. I guess the granddaddy of them all are the brave employees who brought to the light of day the current advertising scandal that we are dealing with, the wrongdoing that was done, the money that was paid to advertising firms for no work being done, and the money then being in fact kickbacked to a governing party to use in elections.

These brave employees that came forward, so that this could be brought to the light of day today, are protected by Bill C-11. If we look back to the testimony given by public servants such as Mr. Cutler, one of the persons who brought forward the sponsorship scandal, he was being subjected to a reign of terror in his workplace after only doing what he thought was right. Employees should not be punished for doing what they think is right in their workplace.

We also have examples of mismanagement and scandal going back to the HRDC situation. The previous speaker mentioned problems at Health Canada, where employees hoping to protect the health and safety of Canadians came forward and said that they did not think this was right. They thought that they could protect Canadians if things were done differently. Were they given medals? Were they given certificates? Were they given any sort of accolades? No. They were sacked and sent home.

This is what we are trying to protect with Bill C-11. We are trying to make it so that it is an open place for an employee to come forward and yet not be reprised against or punished for doing so.

We have examples of the previous privacy commissioner's spending and travel habits coming to light through employees coming forward. We have examples of crown corporation executives with big spending habits, some of them being even very recent, that most Canadians find appalling. This spending was brought to light because employees are willing to come forward and say something.

With a background of the types of scandals that I have mentioned, it is not a wonder that Bill C-11 is needed. Bill C-11 was badly needed to help protect our public service workforce.

In committee many whistleblowers testified that they came forward not for reward. They did not come forward for spite. They came forward because it was the right thing to do. They felt someone should know what they saw occurring in their workplace. After the fact, almost every individual regretted doing it because of how they were dealt with. Initially, they came forward because it was the right thing to do.

● (1745)

We need Bill C-11 to protect employees from a government that believes behaviours of this type are acceptable. Our employees deserve better than that and this is why Bill C-11 can help. We as the Conservatives have always called for effective protection for public servants who expose corruption and we will continue to do so.

As was stated earlier today, this bill in its original form could have done more harm than good. It was fatally flawed when brought forward to the committee to work on. With the number of amendments that are now in place, the fatal flaws are out of it. Is it flawless? No, it is not, but the fatal flaws are gone.

There were some major reversals by the government. I believe the President of the Treasury Board admitted today that he had to listen to the committee about the structure of who whistleblowers would answer to. It was not an easy fight. He started off not wanting to listen, sure enough, but was forced at the end of the day, by unanimous representation by the witnesses, other than one, that it was the right thing to do, and so it was.

The bill still has some flaws, one being, what we have been calling today, the cover-up clause. We still see that departments can refuse to release information about internal disclosures of wrongdoing for up to five years. In our amendments, we moved that from 20 years to 5 years but nonetheless a department could still hold that information secret. The Conservative Party would like to see this provision completely removed, not just reduced from 20 years.

As was said earlier, it is very important that we protect the privacy of the people coming forward to disclose, and if in fact that is what this clause is for then I ask that we work harder to do so. If the protection of the identity of the discloser also protects the person who is committing the wrongdoing, then it is wrong and it needs to be fixed.

Another flaw, as I see it, is that cabinet or a governor in council can still add or remove government organizations and crown corporations from the list of employees who are covered by Bill C-11. We have been told that is not the case but I read the bill again today and it is still in there. They are saying that it would not be used for that, to trust them, that it would not be used to remove a crown corporation or a body of government from Bill C-11. They say that it is just there so that if they ever close down an organization, they could take that organization off the list.

It comes to mind that if that is the only reason that that clause is there and we end up having redundant organizations somewhere on a list, I would rather take that than risk the non-protection of an employee just because there seems to be a bit of a scandal brewing at crown corporation A and it could be put on the exclusion list so they would never have to deal with it. I would like the government not to have the opportunity for that out. I believe it is still there and the Conservative Party would like to see it removed. It is one of the flaws still left in this bill.

There are other areas of concern. We had witnesses before committee on Bill C-11 who talked about whether there should be rewards or some way of helping employees who have gone through the struggle of coming forward with whistleblowing. It could still be there but it is not yet in there. It also is not stated yet in the legislation what the punishments or further punishments may be for committing a reprisal against a whistleblower.

As I said, most of the whistleblowers we had before committee came forward just through the goodness of their hearts. They came forward because they felt it was the right thing to do and then there were reprisals against them. Certainly the ultimate punishment for someone who commits a reprisal is termination but there are even times when simply terminating the supervisor or manager who committed the reprisal against the employee may not be enough. There may need to be some more punishment besides that. The commissioner should have the power to do this.

● (1750)

In conclusion, we would like to celebrate Bill C-11 in the areas in which it shines. Because of pressure from opposition parties and the Conservative Party, the bill now includes an independent commissioner reporting to Parliament. It is something everybody asked for, except for one witness. It is great to have it in there. Of course, we had to convince the President of the Treasury Board that it was the right thing to do.

The inclusion in the bill of the RCMP for coverage was something we in the Conservative Party had to fight for very hard. We think there are people missing from protection but the RCMP are still in there.

The last one is that there would be a review of the bill in five years. That is positive if in five years we find it has been working and people have been coming forward to disclose wrongdoing in the workplace. Let us hope that in five years we have not found other flaws in the bill.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, in his presentation, my colleague described the situation and the pressure on the government to amend the bill. I would like to add that Bill C-11 is the continuation of Bill C-25, which had been introduced in the previous Parliament. As a consequence of the sponsorship scandal, the Liberal government wanted to redeem itself. Civil servants wanted to disclose information, but knew that they could not do so without being subject to reprisals. Thus, the bill was introduced but never passed, since an election was hastily called.

Nevertheless, Bill C-11 emerged during the election campaign. The Public Service Alliance of Canada clearly told the government and other politicians that the bill, as introduced, was inconsistent with the needs of civil servants. Indeed, there was no independent commissioner. The responsibility was given to the president of the Public Service Commission, who is a civil servant reporting to the government. Still, the government introduced Bill C-11 as a slightly modified copy of Bill C-25.

Will my colleague agree with this? Since the government was in the minority on the committee and since it was subject to pressure from the opposition parties, the Conservative Party, the Bloc Quebecois and the NDP, it was forced to amend the bill to make it acceptable. The bill could still be improved, but it is acceptable. Will my hon. colleague agree with this statement?

[*English*]

Mr. Joe Preston: Madam Speaker, the simple answer is yes, flawed legislation was given back to us again, Bill C-25 in the last House and Bill C-11 this time. Not much has changed between the two. Witnesses were heard on Bill C-25 and, as I and the previous member stated, they said almost the same thing, which was that the legislation was fatally flawed and that there was enough wrong with it that we would be better off without the legislation than with legislation that had those flaws in it.

However what came back when this 38th Parliament came to work? It was Bill C-11 which said almost exactly the same things over again, things that had been testified about by the public sector employee unions and other whistleblowers from the past. It came forward with almost exactly the same recommendations in it.

Is that the government's answer? The government shows itself as a white knight after ad scam. It says that it will put forward whistleblowing legislation so that it will look like it is trying to clean up government. If the way to become a white knight is by putting forward flawed legislation that would put whistleblowers in more danger when they come forward, then the government wins the prize.

The government brought forward legislation that took the opposition groups to put it to together as a plausible piece of legislation and here we are today.

● (1755)

Mr. Jeff Watson (Essex, CPC): Madam Speaker, after listening to members of the government here today, it is a whole lot of back-slapping about making Parliament work. Everything sounds great. It almost sounds like this was the Liberals' idea. For the record, people back home know better. If there was no ad scam, this bill would not be here and the government would never have reversed its course.

If there were no David Dingwall question right now, there would have been no reversal by the government in buckling to amendments. Two times the Liberals have introduced a woefully inadequate bill that exposes whistleblowers and does not protect them.

One of the critical areas where we are still vigilant about the bill moving forward is the idea that crown corporations could sort of be taken out of the scope or the protection of Bill C-11. I remember David Dingwall being the now former CEO of a crown corporation, the Royal Canadian Mint. Would something like this never have been exposed or moved forward? Is it not a problem that crown corporations or other agencies like that could arbitrarily be removed from the protection of Bill C-11 and whistleblowers then would not come forward, scandal would not be found out and government would not be cleaned up?

Mr. Joe Preston: Madam Speaker, this goes back far enough to 1993, in either a red book, blue book or green book promise, when whistleblower was first mentioned by the government. We see that it only took 12 years to get it here.

However it is still my interpretation that the governor in council or cabinet can opt in and out crown corporations and government bodies and their employees from this whistleblowing legislation. We will wait for the five year review to see whether it happens or whether that is the truth but I believe that is one of the flaws that is still in this legislation.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, first, I have the pleasure of speaking on Bill C-11. At the outset, I would like to thank my colleagues in the Bloc, my colleague from Repentigny and my colleague from Rimouski-Neigette—Témiscouata—Les Basques, who sat in committee and who represented our political party. In conclusion, we came up with a bill which must still be improved, but which is a totally new bill with its 47 motions in amendment. In the final analysis, it gives us a fairly accurate and acceptable picture of what members of the public service want in order to be able to really do their job.

Everything boils down to a matter of confidence. Civil servants must have confidence in the system and in the processes so that they can make disclosures.

Allow me to fill you in somewhat as to the history of the bill. There was indeed consensus in the House of Commons. In committee, a motion was unanimously adopted for the tabling of motions in amendment and modification. This bill was thus completely changed.

On the other hand, the somewhat surprising element is that Bill C-11, which was tabled by this Liberal government, was tantamount to a carbon copy of Bill C-25, which was considered in the previous Parliament and which had received disparaging comments, among others, by representatives of the public service. Indeed, from the outset, they did not feel that they would trust the proposed process. The cornerstone was the intention to give to the president of Public Service Commission the power to receive complaints.

The president of the Public Service Commission is a civil servant himself and he answers to the government, namely to the president of the Treasury Board. It turns out that this was something else along the lines of the Ethics Counsellor, Howard Wilson—as people will recall—who answered to the Prime Minister and who reported to the Prime Minister on the goings-on among ministers.

Obviously, we did not want a repetition of that. After the Liberals came back as a minority government, one might have expected them to have at least grasped the importance of the promise to create whistleblower protection legislation. One might also have expected greater transparency, since the public service, as well as the other parties aspiring to be the party in power, in short, everyone during the election campaign wanted to support the public servants. Finally, the government again introduced Bill C-11, virtually a carbon copy of Bill C-25. Once again, it gave the President of the Public Service Commission the power to receive complaints. All, or virtually all, witnesses before the committee spoke out against this—I realize some will point out that there was one dissenting witness on that. Nevertheless, the vast majority of witnesses before the committee both this session and last criticized this situation and eventually the government came around to proposing an amendment.

The President of the Treasury Board tabled an amendment creating the position of public service integrity officer. So this position at last became that of an independent commissioner. The government backed the right side on something that had been proposed and defended by all opposition parties, the Bloc Québécois, the Conservatives and the NDP. Why? Purely and simply because it is a minority government and thus not in majority in committee. Those listening to us will find that easy to understand.

In a minority government, the opposition parties are in majority in committee. As a result, even if the government had not bowed to the obvious, the amendments would have been passed, not unanimously, but with a majority. The bill would therefore have ended up amended. If the government had not wanted amendments, it would not have tabled this bill. That was the other solution: not to table it. This would have run counter to all the government's campaign promises.

It is therefore a pleasure for me today to commend my colleague from Repentigny, my colleague from Rimouski-Neigette—Témiscouata—Les Basques, and all the other opposition members on the committee from the Conservative Party and from the NDP, who stood their ground and got the message across to the Liberal minority government that if it did not come on side with them the bill would be amended regardless and the outcome would be the same.

● (1800)

The committee was unanimous. It is a pleasure today in the House to see all the members of all the parties shake hands and say that things are good. Yes, it is true, especially because there is a Liberal minority government. I hope that there will never again be a Liberal majority government. That is my wish. Obviously, we will see what happens in the next election, but that is still the reality. Why? Because I represent the riding of Argenteuil—Papineau—Mirabel. One part of my riding covers the Papineau region. I want to say hello to the people of Papineau, which is in the Outaouais region. I have one foot in the Outaouais and the other in the Laurentians. Sometimes, I get requests or complaints relating to the government. I want to give two examples, because I can attest to what is happening.

Somebody calls me in confidence and says that they do not wish to give their name. They say that they are a public servant. Immediately after the budget speech of March 31, on April 4—I looked in my agenda because I made a note of it—they say that in their department, they became aware of the purchase of computers by Public Works Canada before the deadline of March 31. It was a large purchase of several hundreds of computers. They ask me if I can do something. They ask me: "If I give you the name of the department, can you do something as a member of Parliament?" I want to look into it, make a request through the Access to information Act. The person than tells me that the computers have already been ordered. They are for new offices that have not been fitted out and when the new computers are installed, they will already be obsolete. This is how they described the situation. They know the situation well since they work in that department. I said to the person: "Listen, you must tell me what department it is." I had to know. The problem the person had is that if they were to say what department it was, people would know who made the complaint. I want to be able to criticize, but it is difficult for me as a member of Parliament because public funds will be spent for nothing. Imagine, all I know is that computers were purchased by Public Works Canada for offices that have not been fitted out. You can understand that I examined all the requisition files. It is a huge budget. It was impossible for me to find a few hundred computers in the budget without knowing in what department to look.

A second example was provided to me by a journalist from the electronic media. If he is listening to me, he will know what I am referring to. He called to tell me about a situation that occurred just before the adjournment, at the end of June. A public servant had phoned to inform him that a lavish reception was taking place at a ritzy restaurant in the national capital region, at taxpayers' expense. He asked me what could be done about this. I told him, "Listen, it will be difficult to know what went on if we do not know which department is involved. With the date or the restaurant's name, something could be done". Finally, the journalist called me back to say that he had contacted his source, but the person did not want to say which department was involved, because he did not attend the reception and managers will immediately know that he is the one who blew the whistle. That person did not want to participate. In the end, we never knew who was involved.

This is why we must have bills such as this one to help public servants who are prepared to disclose wrongdoings. The one who called me and the one who called the journalist were prepared to make such a disclosure. The problem was that they did not trust the protection process. That was clear, because there was no legislation such as today's bill. We must defend those who do not agree with these wrongdoings and who do not take part in them. Surely, these individuals must have told some people. They do not want to reveal their identity because they did not participate. For example, that person was not present at the department's lavish dinner. People probably knew why. That person did not agree with the way things were done. We hope that once this bill is adopted, those public servants who are prepared to disclose wrongdoings in the spending of public funds within the public service will feel safer with the process.

Once more I would like to thank my colleagues from the Bloc Québécois, the members for Repentigny and for Rimouski-Neigette—Témiscouata—Les Basques and all my NDP, Conservative and Liberal colleagues who sat on that committee. The Liberals finally understood. Through political pressure, the opposition parties impressed upon the government the importance of bringing forth a bill allowing whistleblowers to deal with an independent commissioner who reports to the House of Commons, pointing out that, should problems arise, these people could call us and we would be proud to come and defend their position in the House.

● (1805)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, clause 3 in the bill authorizes by order in council that schedules can be amended by adding or deleting, for instance in schedule 1, any of the organizations listed, which include all the crown corporations. Some concern has been raised that the government could unilaterally eliminate some from the list. I do know that order in council changes to schedules to make additions or deletions are gazetted for public notice. As well, there are circumstances such as name changes or consolidations or when something is rolled into something else, when we have to have the ability to add or delete. I wonder if the member has a concern that the schedules to the bill could be amended.

I wish the member would also comment with regard to the fact that we had Bill C-25 in the last Parliament under another minister which came back in this Parliament as Bill C-11 under a new minister. The one difference was that this bill was sent to committee immediately after first reading. This gave the committee the latitude to change the bill in any way, shape or form. This is something which cannot be done if the committee receives the bill after second reading debate when general approval in principle has been received.

Would the member care to comment on whether or not the process of referring an important bill like this one to committee after first reading is the preferred route? At committee there is a lot of input and a lot of witnesses. Receiving the bill after first reading ensures that the input from all stakeholders is reflected in a good bill.

● (1810)

[*Translation*]

Mr. Mario Laframboise: Madam Speaker, the member's suggestion is twofold.

The second part deals with the parliamentary process. I think that it is a good choice, since there is unanimity in the House on this. We are then choosing a process that we hope will be faster.

As I was saying at the beginning, the difficult part was to make the government understand the extent of the modifications. My colleague will agree with me that as modified, the bill is not at all the same as the original one. Eighty percent of it was changed. Now that we have agreed, I think that the proposed parliamentary solution could be used in other cases.

As for the crown corporations, our party decided to trust the government. Those who say that the Bloc is always against the government will have to admit that this not the case. When it has good ideas, we are ready to trust it. We will see what the governor in council will do. If crown corporations were excluded for whatever reason once the bill has become law, you can be sure that we will not just sit around doing nothing. The pressure will be so intense that the governor in council will have to include all crown corporations without exception.

That is why we decided to go ahead and let the government do what it wanted. We hope that the bill will be given quick passage.

[*English*]

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Madam Speaker, the member touched on this, but something that is very clear is had there been a majority Liberal government, we would not have had this legislation now. I am not just saying maybe; it is clear that is the case. We know because in Bill C-25, the Liberals' first version of the bill, some of the major changes that have been made, such as having an independent office for whistleblowers to report to and many of the other changes, simply were not there. Even when they came back with Bill C-11, their second opportunity with the new minister, they still left that out. It was only in June, 24 hours after a member of the Conservative Party stood in the House and presented an ultimatum to the minister, that the minister agreed to have an independent office. Clearly, there was no intention on the part of the government. It was this committee, the opposition members, that made it happen.

[*Translation*]

Mr. Mario Laframboise: Madam Speaker, my colleague is absolutely right. I am convinced that since the government introduced a Bill C-11 which was almost identical to Bill C-25, it is obvious that the complaints would have been filed with the President of the Public Service Commission, who reports to the President of the Treasury Board. That means that a minister would have dealt with the complaints. That was totally unacceptable.

[*English*]

Mrs. Lynne Yelich (Blackstrap, CPC): Madam Speaker, this afternoon I will speak to Bill C-11, the public servants disclosure bill, which presents another opportunity for the House to enact legislated protection for whistleblowers.

The bill would create a legislative mechanism for the disclosure of wrongdoing or whistleblowing in the federal public sector, including crown corporations, and would seek to protect those public servants in the department or organization who disclosed the wrongdoing.

This is the second attempt by the government at dealing with the subject of whistleblowing by federal public servants, the first one having died on the order paper as a result of the dissolution of the 37th Parliament.

Before we begin consideration of the merits of this legislation, it is important we recall why its implementation is so important.

Recent allegations of contracting irregularities or abuse of authority in federal government departments uncovered over the past few years have brought rise to an urgent call for protection for whistleblowers in the public service. The current protections afforded to these individuals can only be described as woefully inadequate, and all would agree that a pressing need for change exists.

Many in this chamber will recall a story of one of the whistleblowers, Joanna Gualtieri, but a brief refresher on her experiences would serve to provide an illustration of the current difficulties facing those public servants who bring their concerns forward.

For the past 10 years, Joanna Gualtieri has been a leading advocate for increased whistleblower protection for public servants so Canadians may be informed of any wrongdoing or corruption in their federal government.

As a real estate manager at the Department of Foreign Affairs and International Trade, she had witnessed first-hand violations of government rules to maintain lavish diplomatic lifestyles that were costing Canadian taxpayers billions of dollars. When she confronted her colleagues at DFAIT, she was met with high level resistance and outright opposition. Dismayed by the response, she went public about this misspending. Instead of being heralded as a watchdog for the public interest, she was persecuted in her workplace and dragged into a lengthy and costly legal battle with the government.

Yet despite paying a heavy price, both professionally and personally, Ms. Gualtieri has remained steadfast in defending the right to blow the whistle on illegality, misconduct and criminal waste of tax dollars within the public service. Why? In her own words:

> Whistle-blowers are employees who exercise freedom of expression rights to challenge institutional abuses of power or illegality that harm or threaten the public interest. They represent the highest ideals of public service and epitomize the golden standard of loyalty to the long-term interests and sustainability of an organization. Studies have demonstrated that whistle-blowers are not the malcontents their detractors allege, but are, in fact, the employees an organization would want—bright, qualified and loyal.

Ms. Gualtieri's case is just one of the many that illustrate the need for effective protection for those public servants who bravely expose corruption.

Regrettably, Bill C-11 is a somewhat flawed piece of legislation and it would have been even worse if the official opposition members at committee had not been so persistent in securing some important changes to the bill.

As it was originally presented by the government, Bill C-11 would have done more to impede those public servants thinking about coming forward than previously. For instance, in its original form, the bill would have obligated whistleblowers to report to the government appointed president of the Public Service Commission.

This proposal was strenuously objected to by the official opposition and the majority of stakeholders who commented on the legislation. As a professional institute, the Public Service of Canada, which represents 50,000 public service professionals across the country, stated before the House Standing Committee on Government Operations and Estimates, the office responsible for investigating wrongdoing must have the power to fully and independently pursue allegations of wrongdoing and order correction.

● (1815)

In large part because of the immense pressure, the government grudgingly agreed to amend the legislation to ensure an independent commissioner to hear and investigate disclosures of wrongdoing. Also, again thanks to the official opposition, the government, albeit reluctantly, agreed to permit the commissioner to report directly to Parliament instead of through a minister.

However, several other important amendments proposed by the official opposition in committee were rejected. These amendments are necessary and members of the official opposition will continue to advance them.

First, the bill would change the Access to Information Act to permit departments to refuse to release information about internal disclosures or wrongdoing for five years. It should be noted that this was originally an astounding 20 years until official opposition committee members managed to lower it.

Let us just imagine if Bill C-11 had been in effect earlier. Potentially, Canadian taxpayers would not have known for two decades about the stunning level of waste and mismanagement in the gun registry, in the human resources boondoggle and in the sponsorship scandal. While five years is clearly a marked improvement from 20, this provision remains unacceptable and has to be completely removed from the legislation, as even the Information Commissioner has stated.

A second serious concern with the legislation is the fact that cabinet has the power to arbitrarily remove several government bodies, including the Bank of Canada and the public service pension commission, from the whistleblower protection of Bill C-11. Many observers have stated, and I am inclined to agree, that the inclusion of such a clause threatens the integrity of the entire legislation. Again I will quote the Professional Institute of the Public Service of Canada:

> No branch or agency of the Canadian government can be exempt from this regime if this initiative is to be taken seriously....

A fundamental element to rooting out wrongdoing is an independent and credible disclosure mechanism. Unnecessarily exempting any organization from this process only serves to shelter wrongdoing and silence ethical employees.

The official opposition attempted to alter this in committee, but was refuted by the government. Nevertheless, we will continue to pressure for specific amendments to ensure that cabinet does not have the ability to remove any government body from the scope of the act.

Bill C-11 does not ensure that those whistleblowers who risk their professional careers only to be shunned and punished within their workplace are awarded sufficient compensation. Making the decision to become a whistleblower is not easy.

These are public servants who typically have worked long and hard to advance to a point in a career where their responsibility and financial benefits are considerable. Not only that, they likely have developed close personal relationships with those people guilty of the alleged wrongdoing. They are confronted with a difficult choice: do the right thing and risk it all or remain silent and retain their position. Every year thousands of employees witness workplace wrongdoings, but only a fraction will speak out.

However, for those brave few the consequences can be unpleasant and stressful. Even before she went public with her revelations of waste and mismanagement at DFAIT, Ms. Gualtieri was ostracized for even raising concerns within the department.

Gualtieri, in a *Canadian Lawyer* magazine interview, recounted that she would be yelled at by one of her bosses in front of other employees. She would be interrupted or ignored at meetings and completely bypassed during work sessions that directly involved her job. It got so bad that on her doctor's advice she took an unpaid leave of absence for four months.

Consequently, it is important that we amend Bill C-11, not only to allow the commissioner the power to grant more generous compensation for whistleblowers but also to allow more severe penalties for those who engage in petty reprisal.

There are gaps in the legislation. They are grave and need to be addressed. However, they do not merit the complete rejection of this legislation.

This is the first step in aiding those future whistleblowers ready to expose corruption in the public service and, to echo the Professional Institute of the Public Service of Canada, "immediate improvement" is preferred instead of "postponed perfection".

● (1820)

This is vital legislation, not only for those future whistleblowers but also for Canadian taxpayers.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, in clause 55 there is a consequential amendment to the Access to Information Act. This is the clause the member referred to in her speech. It deals with the five year protection on information. Subclause 55(1.1) says that the information can be withheld if the information identifies or could be reasonably expected to lead to the identification of a public servant who had made a disclosure under this act.

If anonymity of whistleblowers is a fundamental principle of the bill and we want to be absolutely sure that we protect whistleblowers, why would the member want to eliminate a clause that would seek to assist in ensuring that the identification of a whistleblower was protected by denying information to be released?

● (1825)

Mrs. Lynne Yelich: Madam Speaker, with regard to the changes to the Access to Information Act and refusing information about the internal disclosures of wrongdoing for five years, we were talking about the element of time and how it was originally 20 years. I think it is more important to have it amended so that information has to be disclosed. If we do not allow that information to be disclosed under five years, and to have it protected, then how will we ever expose information that the public needs to be aware of or made privy to? I think it is actually for the best interests of the public and the taxpayers that the clause is in there.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, my colleague from the Conservative Party who preceded me referred to Ms. Gualtieri, who embodies one of the most notable cases. She was quite good at defending herself after blowing the whistle. But later, she suffered reprisals.

I will ask the following question of my colleague from the Conservative Party. Does she really believe that this bill actually and totally protects a person who is blowing the whistle on some wrongdoing?

[*English*]

Mrs. Lynne Yelich: Madam Speaker, I think it is a small step toward protecting whistleblowers. However, I understand that some of the flaws still in the legislation will probably have some effect; it will certainly not be protecting Ms. Gualtieri to the point that she would have observed. There were many flaws not addressed in Bill C-23. Then, when it came to Bill C-11, she still had some concerns about the protection. She believes that the brown envelope will probably still be the way for many public servants to disclose wrongdoing. I think she will still have some concerns about protection as far as this legislation is concerned.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

NATIONAL DEFENCE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Madam Speaker, as the member of Parliament for Renfrew—Nipissing—Pembroke, it is my honour to represent the women and men who serve their country as members of the Canadian armed forces and who have the good fortune to be posted to Base Petawawa, which is in my riding.

I am pleased to report to the House and to the Minister of National Defence that since I last spoke on the issue of the health premium tax, which is charged to members of the military even though they are prohibited from using provincial health care plans, I have been contacted by many members of the military thanking me for standing up for them. I thank all the women and men who serve their country as members of Canada's armed forces and who took the time to contact me. Together we will make the government accountable.

For the benefit of Canadians who may be unaware of the substance of this debate, members of the Canadian Forces residing in Ontario are insured under the Canadian Forces health services plan and are specifically excluded by the Canada Health Act from the definition of insured persons. That means their health care is provided directly by the federal government and not by their province of residence.

The Canadian Forces health services plan pays $450 million into its health care system and the federal government identifies that money as a direct federal contribution to the total health care spending in Canada. In turn, the federal government uses this figure in health care negotiations to reduce the amount that it transfers to the provinces. As a result, Canadian soldiers living in Ontario are forced to pay twice for health care.

Members of Canada's armed forces object to paying almost $1,000 a year per person in health care premiums to the Liberal government in Ontario when the Canada Health Act specifically prohibits them from being a member of the provincial health plan. No other province does this.

While I appreciate it when the government states that it is appalled by the actions of its party in Ontario and that at least one minister recognizes that the premium tax is unfair, Canadians are asking: What about the Minister of Health whose responsibility it is to uphold the Canada Health Act? It is a sad day in Canada when the Minister of Health refuses to defend the Canada Health Act.

I have a letter from the Minister of Health, which was copied to the defence minister so I know he has seen it also. In it he not only refuses to defend the Canada Health Act, but he defends the Liberal premium tax on the basis, among other things, that trusts and non-resident taxpayers are exempt. He also defends the premium charge on the basis of residency on December 31 of a taxation year.

What about non-commissioned soldiers who are at a level 1 or 2 overseas posting, or soldiers above a certain level of rank of captain who still pay this premium tax when their point of departure is from Ontario? I understand that even those soldiers at a level 3 or above overseas posting, who should be on tax exempt status, are paying EI, CPP and the Ontario health premium tax.

The point I am trying to make is there are all kinds of exceptions that the military takes into consideration and can take into consideration. This is not an issue of legal technicalities. This decision to charge the tax on this basis is a policy decision. This is a matter of fundamental fairness.

My question to the Minister of National Defence relates specifically to the commitment by the government's representative to compensate soldiers who are forced to pay the premium tax that is supposed to be refunded by the post living differential.

What members of the military do not want to hear is that the government is studying the problem, analyzing the problem and whatever other excuses the Liberals come up with to do nothing.

The Minister of National Defence knows that the cost of living differential is used to harmonize pay on the basis of local costs.

● (1830)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Speaker, the member across the way asked this question last week and it is a very good question. It is an issue that gripped us as soon as the provincial government in Ontario put forth this tax, which in my view is grossly unfair when it applies to our Canadian Forces members. The Minister of National Defence feels the same way.

In fact, I spoke to the Minister of National Defence today and he was drafting another stern response to the provincial minister of health asking him to drop this particular tax against those Canadian Forces members who live in Ontario and have been charged this tax.

The member knows full well that the provincial government does what it wishes to do. We do not control the provincial government and when it instituted this tax, our recourse was to address the issue immediately with it, which is what was done by the Minister of National Defence in 2004.

The premium, as the member correctly pointed out, applies to all individuals in the province of Ontario, and I might say bizarrely, whether or not they have access to the health care system or not. Nevertheless, the minister has approached both the minister of health and the minister of finance in Ontario to highlight the gross unfairness of this tax as it applies to Canadian Forces members.

What have we done? The minister has addressed it exactly the same way that the member mentioned, through the post living differential. We have also applied it through increases in wages across the board to CF members. In fact, if the member were to take note and look at the wages of the CF members over the last two to three years, the wages of CF members have gone up quite considerably as a result of our government's initiative to support the men and women, and their families in the great work that they do in the defence of our country and in the defence of our interests abroad.

Specifically, with CF members and their families in Ontario, we are trying to deal with the post living differential which is a cost of living allowance in a way. It is called the PLD. We use the PLD to develop some kind of fairness across the board, so that persons living in a high expense area will be compensated for that because they are moved around at the request of the defence department.

One of the ways that we are trying to accommodate and address this situation is through the PLD. Beyond that the minister, as I said, is working very hard to put pressure on the provincial government to stop and remove this grossly unfair tax on our CF members in Ontario.

● (1835)

Mrs. Cheryl Gallant: Madam Speaker, the minister knows full well that the post living differential looks at the average cost of a basket of goods and as a consequence most soldiers do not even receive the cost of living differential.

Soldiers do not receive a cost of living differential while they are posted at CFB Petawawa. The cost of living differential that would have refunded the health premium tax should have been calculated in July in time for the August pay cycle. It was not on the pay stub. If the government were being honest with soldiers, it would have made an adjustment on their pay for the health tax premium in August. It did not happen.

The health minister, in his response when I raised the question of the health tax premium in the House, took the legalistic position that this is a tax and the tax has to be paid. What the minister omitted in his response, which is the reason for this adjournment debate, is the fact that the Liberal Party of Ontario identified this as a health care premium, a so-called dedicated tax, the same way that employment insurance deductions are just another tax with a different name, such as a payroll tax.

Governments can play with the wording of anything to make it sound more acceptable, but a tax is a tax is a tax. It is time to stand up for the Canada Health Act, stand up for the women and men who work in Canada's military, and axe that tax.

Hon. Keith Martin: Madam Speaker, I wish the world was as simple as the member across the way suggests it could be. If we could go and axe the tax instituted by the province of Ontario, that would be wonderful, but unfortunately, as she knows full well, the world does not work that way. We do not have the power to go in and remove a tax instituted by a provincial government.

Having said that, as I said before, the post living differential is one way that we are trying to ensure that there is acute immediate relief to the men and women who serve our country in Ontario. In order for the member to understand what the PLD is, it is payable at specific locations and is determined by comparing the cost of living of those who live in other areas of the country.

The member should know that full well because I brought up the subject before. We are working to address this through the PLD. We are working to address this directly through the provincial government and the minister is working full time on this.

We agree perfectly well that this tax is completely unfair. We are not going to stop until we can convince the provincial government to remove it or we are going to ensure that every man and woman who works in the forces, and the families who live in Ontario, are going to have redress in some sort of way through the PLD or in another fashion.

[*Translation*]

The Acting Speaker (Hon. Jean Augustine): The motion to adjourn the House is now deemed to have been adopted.

[*English*]

Accordingly the House stands adjourned until tomorrow at 10 a. m. pursuant to Standing Order 24(1).

(The House adjourned at 6:40 p.m.)

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