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OFFICIAL REPORT
(HANSARD)

Tuesday, November 15, 2005
(Part A)

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 15, 2005

The House met at 10 a.m.

Prayers

•(1000)

[*English*]

PARLIAMENTARY DELEGATION REPORT

The Speaker: I have the honour to lay upon the table the report of the Canadian parliamentary delegation that visited the Russian Federation from October 11 to October 14, 2005.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to five petitions.

* * *

[*English*]

MODERNIZATION OF INVESTIGATIVE TECHNIQUES ACT

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.) moved for leave to introduce Bill C-74, An Act regulating telecommunications facilities to facilitate the lawful interception of information transmitted by means of those facilities and respecting the provision of telecommunications subscriber information.

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

* * *

NATIONAL CAPITAL AND GATINEAU PARK ACT

Hon. Ed Broadbent (Ottawa Centre, NDP) moved for leave to introduce Bill C-444, An Act to amend the National Capital Act (Gatineau Park).

He said: Mr. Speaker, I rise today to introduce my bill, an act to amend the National Capital Act, Gatineau Park. The bill is seconded

by my colleague, the member of Parliament for Skeena—Bulkley Valley.

The bill would amend the National Capital Act to establish for the first time legal boundaries for Gatineau Park. If brought into legislation, it would give legal status to the park and would recognize that one of the objectives and purposes of the National Capital Commission is to acquire privately owned real properties or provincial properties situated in Gatineau Park. It would also require owners of real property situated in the park to give the NCC a right of first refusal on the sale of the property. In short, it would ensure Gatineau Park remains a treasure for future generations of Canadians.

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

* * *

•(1005)

PETITIONS

MARRIAGE

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, I have a petition signed by several hundred individuals from Ridgeway, Fort Erie, Welland, Crystal Beach and Niagara Falls.

These petitioners say that because marriage is the best foundation for families and the raising of children and that the majority of Canadians support the definition of marriage as the voluntary union of a single male and a single female, they petition Parliament to use all possible legislative and administrative measures to preserve and protect the current definition of marriage as between one man and one woman.

GASOLINE TAXES

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, it is my pleasure to rise today to present a petition from several hundred people from Regina and the Regina area, including Regina Beach, Buena Vista, Kinookimaw, Kannata Valley, Chamberlain, Marquis and Bethune, Saskatchewan.

All of these signatories want to express their belief that the government should reduce the level of taxation on gasoline. They are petitioning the House of Commons to ensure the GST is eliminated on taxation so we do not have tax upon tax.

Routine proceedings

FOREIGN ADOPTIONS

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, as I have done so often this fall, it is my pleasure to rise again and present this petition on behalf of citizens from two provinces: first, from Waterloo, Kitchener, Paris and Cambridge, Ontario; and second, from Salmon Arm, Vancouver, Richmond, Port Coquitlam, Surrey, New Westminster, Port Moody and the great city of Chilliwack, all in British Columbia.

These citizens wish to draw to the attention of the House that on average about 2,000 children are adopted from foreign countries and brought to Canada each year and yet the government continues to refuse to grant them automatic citizenship.

Therefore the petitioners from both Ontario and B.C. are uniting to call upon 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 finalization of the adoption.

HOLIDAY ACT

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, it is an honour to present three petitions containing thousands of names from Canadians across the country.

Since we came back this week from Remembrance Day events in our ridings, my first petition calls upon Parliament to enact Bill C-295, an act to amend the Holiday Act to recognize Remembrance Day as a legal holiday that honours the men and women who died serving their country in war and in peacekeeping efforts.

BILL C-391

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, in the second petition, the petitioners call upon the House to enact Bill C-391, an act to recognize and protect Canada's hunting and fishing heritage to ensure the rights of present and future Canadians to enjoy these activities are protected in law.

GASOLINE TAXES

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, the final petition deals with the gas tax. The petitioners call upon the House to eliminate the federal excise tax on diesel fuel and gasoline used in farming operations and commercial fisheries, to cap the amount of tax it collects on gasoline and to eliminate the practice of applying the GST to the provincial fuel tax and the federal excise tax, a practice that charges a tax on top of a tax.

* * *

QUESTIONS ON THE ORDER PAPER

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 208 and 210.

[Text]

Question No. 208—**Mr. Loyola Hearn:**

With regard to the use of chemical agents by the Canadian military, were chemical agents tested by the Canadian military and, if so: (a) in what year(s); (b) which chemical agents were tested; (c) where were chemical agents tested; (d) were there different locations where chemical agents were stored and not tested; (e) were there chemical agents tested or stored at CFB Shilo and posted to CFB Petawawa and, if

so, what type of tests were performed and how often; (f) what quantity of agents were stored at CFB Shilo and CFB Petawawa respectively and for how long; (g) were there ongoing shipments of chemical agents from base to base; (h) were military personnel made aware when they were involved in the transport or storage of chemical agents; (i) was there a safety policy relative to chemical agents at the time of storage or testing; (j) how many times has the safety regulations protocol pertaining to chemical agents been amended since the 1960s; and (k) does the current policy differ greatly from military policies of the 1960s, 1970s, 1980s, and 1990s and, if so, in which way?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, as agreed with the member of Parliament, the department has interpreted the original question on the order paper to read: With regard to the testing of agent orange/agent purple or other herbicides tested by the Canadian military, were such chemicals tested by the Canadian military at CFB Shilo and CFB Petawawa and, if so: (a) in what year(s); (b) which chemicals were tested; (c) where were these chemical tested; (d) were there different locations where these chemicals were stored and not tested; (e) what type of tests were performed and how often; (f) what quantity of these chemicals were stored at CFB Shilo and CFB Petawawa respectively and for how long; (g) were there ongoing shipments of these chemicals between CFB Shilo and CFB Petawawa; (h) were military personnel made aware when they were involved in the transport or storage of these chemicals on or between these two bases; (i) was there a safety policy relative to these chemicals at the time of storage or testing; (j) how many times has the safety regulations protocol pertaining to chemicals been amended since the 1960s; and (k) does the current policy differ greatly from military policies of the 1960s, 1970s, 1980s, and 1990s and, if so, in which way?

To date, with the records available, there is no indication that agent orange, agent purple or any other herbicide was tested at CFB Shilo and CFB Petawawa and therefore our answers to questions a. to i. inclusive are nil.

That said, as a longer term due diligence project, National Defence, in early 2006, will initiate research to determine all of the herbicides that were routinely used at military bases across Canada. This project will review and report on factual historical information related to the regulation, the production, the sale, and the use in Canada of herbicides used or likely to have been used at Canadian Forces military bases. The information gained through this research project will provide the department with the information being requested by questions j. to k. This study will likely take at least two years to complete, as there are more than 50 years of files to be researched from sites all over Canada. Should any new information emerge that indicates agent orange, agent purple or any other herbicide was tested at CFB Shilo and/or CFB Petawawa, this information will be provided.

Question No. 210—**Mr. Brian Pallister:**

Did the government provide a severance package for André Ouellet when he resigned from Canada Post and, if so, what were the details and monetary figures of this package?

Supply

GOVERNMENT ORDERS

[English]

SUPPLY

OPPOSITION MOTION—ACCESS TO INFORMATION ACT

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC)
moved:

That, in the opinion of the House, the Access to Information Act should be amended to: (a) expand coverage of the act to all Crown corporations, all officers of Parliament, all foundations and to all organizations that spend taxpayers' dollars or perform public functions; (b) establish a Cabinet-confidence exclusion, subject to review by the Information Commissioner; (c) establish a duty on public officials to create the records necessary to document their actions and decisions; (d) provide a general public interest override for all exemptions, in that the public interest should come before the secrecy of government; and (e) make all exemptions discretionary and subject to an injury test.

He said: Mr. Speaker, it is a pleasure to rise today in this House and speak to this very important motion, one that I believe all Canadians as well as all members of this House should participate in and which members will hopefully vote in favour of at the end of the day.

Before we go into the actual details of this motion and why I believe it to be important, I think it is also important to once again give a bit of a history lesson to those Canadians who may be watching as to why I believe that access to information is such a vital part of our democratic process, both in government and across the land. For quite a while, in my opinion, there has been a need to expand and change the access to information legislation. In fact, members have attempted, on a number of occasions in the past few years, to introduce a new piece of legislation to this House.

I recall that back in 2004, a former member of this House, John Bryden, introduced a private member's bill, Bill C-462, which dealt with changes to the Access to Information Act. This piece of proposed legislation came in the form of a private member's bill. That private member's bill received widespread support from members on all sides of this House when it was first introduced. In fact, it made it past second reading with I believe unanimous consent by members of this House and then was referred to committee. Unfortunately, that is when it died.

However, it was about to be resurrected by the member for Winnipeg Centre, who had sought on a number of occasions over many years to introduce and support changes to access to information, because, and let us make no mistake about this, access to information is a fundamental part of every Canadian's right to know what governments do and what political parties are doing in government.

The member for Winnipeg Centre, who felt so strongly about increasing the level of access to information within government, was about to reintroduce this private member's bill first introduced by John Bryden when he had a conversation with the current Minister of Justice. At that time, the Minister of Justice told the member for Winnipeg Centre that he, as minister, was about to bring forward new legislation, legislation that would be complementary to John Bryden's bill and would open up and make more transparent the dealings of government. He convinced the member for Winnipeg Centre to stand down on his private member's bill.

Hon. Navdeep Bains (Parliamentary Secretary to the Prime Minister, Lib.): Mr. Speaker, government policy provides that all ministerial responses should respect the protections afforded by the Privacy Act and Access to Information Act, regardless of whether those acts apply to the government organization providing the information in the responses. Consequently, ministerial responses prepared by a government organization should not include information whose disclosure would be prohibited by those acts, if they were to apply.

* * *

• (1010)

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question Nos. 206 and 207 could be made orders for return, the returns would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 206—**Mr. Ken Epp:**

With regard to the formal dinner held for the Queen on May 24, 2005, in Edmonton, and the procedure for invitations for such: (a) when were the invitations sent to the invitees; (b) to which individuals were invitations sent; (c) were the whips of the recognized political parties of the House of Commons asked to extend invitations to their Members, and, if so, when were they asked to do so; and (d) do the final calculations for the total cost of the dinner hosted by the Prime Minister include any and all commissions to contracted agencies?

(Return tabled)

Question No. 207—**Mr. Randy White:**

With regard to the Correctional Service of Canada: (a) how many inmates have escaped custody while taking either an unescorted or an escorted temporary absence for personal development in 2003, 2004, and from January 1 to June 30, 2005; and (b) given that the February 1998 joint Correctional Service of Canada and National Parole Board report on Personal Development Temporary Absences shows that 10 inmates were given 15-day escorted temporary absences for recreation purposes and 11 inmates were given 15-day escorted temporary absences for other purposes, what type of recreation and other activities were these inmates involved in?

(Return tabled)

[English]

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

Supply

The member for Winnipeg Centre, being a man of a trusting nature, a man who believes the word of others, ultimately decided not to enter his private member's bill dealing with changes or new legislation regarding access to information, believing that the Minister of Justice would keep his word and introduce his own piece of legislation at his earliest opportunity.

Lo and behold, what happened? In April of 2005, I believe, rather than introduce legislation, the Minister of Justice brought forward a discussion paper. There was no legislation. It was a discussion paper. To add insult to injury, this discussion paper was not complementary to Mr. Bryden's original private member's bill. It did not support the initiatives, the thrust and the objectives of Mr. Bryden's private member's bill to open up levels of government so that all Canadians could determine for themselves what their government was doing. In fact, this discussion paper suggested that there be even more secrecy in government than there is currently. It was, in other words, an absolutely opposite view to the intent of Mr. Bryden's bill.

I can only say to members of this assembly that what the Minister of Justice brought forward was an absolute betrayal of trust from the conversation and the commitment that he made to the hon. gentleman from Winnipeg Centre. He did not bring forward legislation to deal with increasing the level of access to all government departments, crown corporations and foundations. He did absolutely the opposite. I think that is shameful.

● (1015)

I know that the hon. member for Winnipeg Centre will speak on this matter himself later today, but I must say for the record, and I think all Canadians should understand, that the Minister of Justice betrayed not only the member but all Canadians when he made a commitment to bring forward legislation and then renege on his promise and his commitment.

It is also important for Canadians to understand why it is so important to bring forward changes to the current legislation. Why should we bring forward this motion today? Why should we bring forward in the future a proposed piece of legislation that deals with access to information and increasing the levels of access? In light of what has transpired over the course of the past few months in Canada as a result of the government's actions with respect to the sponsorship scandal, I think it is quite apparent that we need to be more open, accountable and transparent in all of our dealings in government.

I would suggest to members today that had we as a government, a party, an assembly, passed increased access to information legislation, there is a chance, although I cannot guarantee it, that some of the things we saw happen with respect to the sponsorship scandal might never have happened, because the ability to allow Canadians access to information is vital to guaranteeing good, transparent, accountable and democratic government. If Canadians had had the opportunity to investigate through access to information requests what was happening with the sponsorship program, there is a chance, although perhaps not a high degree of probability, I agree, that some of the activities within the sponsorship program may never have occurred.

Unfortunately, the sponsorship program is an example of that cloud of secrecy and it shows how this is pervasive not only in the

government but within the Liberal Party. If there is legislation that allows opposition members and Canadians at large the ability to ask questions and receive answers as to the activities of government, it will in effect act as a deterrent to any proposed or planned or perhaps even inadvertent abuse of the public trust. All parliamentarians, after all, whether they be on the government side or the opposition side, have a responsibility to respect the taxpayers and the Canadian public.

After all, we are servants of the public, not the other way around, but unfortunately we have seen time and time again that this government has done just the opposite. Rather than be responsible to the Canadian public, rather than be accountable to the Canadian taxpayer, the government has consistently over the last 12 years been secretive and has acted, as Justice Gomery puts it, on "a culture of entitlement". In other words, the government feels that what is best for the Liberal Party of Canada is best for all Canadians, but in fact we all know that is absolutely not the case.

The access to information piece of legislation that I am referring to, which I hope will eventually see the light of day and be passed in this assembly, is something that is absolutely vital to ensure that Canadians' interests are protected. Time and time again, we have seen examples of crown corporations engaging in activities that later are found to be perhaps irresponsible and perhaps illegal. Yet we only find out that information through investigation by outside parties. It would appear that it is never this government which brings forward some of the problems that have occurred within crown corporations, agencies or foundations. It takes others to dig out that information.

● (1020)

If a set of rules is put in, as the Minister of Justice attempted, to try to make it more difficult to get information on potential wrongdoings or on just incompetence, it is not serving the interests of Canadians and Canadian taxpayers. That is just the reverse of what we need to do.

We all remember what happened in the past few months with a former cabinet minister by the name of Mr. David Dingwall. We remember some of his activities, particularly some of his lobbying activities. Basically he engaged in a lobbying effort that was contrary to the rules. In other words, he accepted a contingency fee from a client based on the success he would have in lobbying for a contract for that particular client. It was contrary to the rules. We found out nothing about that wrongdoing until much later. In fact, the statute of limitations had run out, so we were not able to have Mr. Dingwall prosecuted. We were not able to have Mr. Dingwall punished by this assembly.

Part of the reason we were not able to do it is that we did not know. That is the whole point I am trying to get at. The public has the right to know about the activities of the government and the activities of people who lobby the government. The public has a right to know about all the activities done supposedly on its behalf.

Supply

In Mr. Dingwall's case, it gets progressively worse, because from there he was then appointed head of the Canadian Mint. After resigning, he stated for the record when asked about a potential severance that he was "entitled to his entitlements", which I believe was part of the reason that Justice Gomery put that famous phrase in the Gomery report, saying that the government basically lives under a culture of entitlement, where its members feel they are entitled to either cash or benefits and perks to which in fact they should not be entitled.

Beyond just this culture of entitlement that is so pervasive in this government, there is a culture of secrecy. I believe that if we combine the culture of secrecy and the culture of entitlement, that is a surefire recipe for potential abuse, for corruption and for scandal.

We have seen examples time and time again over the last 12 years where there have been "scandals" perpetrated upon the Canadian public by the government. Whether it be the example of Shawinigate, the HRDC boondoggle or of course the sponsorship scandal, with which all Canadians are so familiar by now, I believe that if there had been an increased ability of Canadians and members of the opposition parties to receive that information through access to information requests, while it at the very least would have stopped some of the abuse, it would also have acted as a deterrent.

Members of the government would have had to—and future governments would have to—think twice before engaging in activities that might be considered either illegal or bordering on illegal, because they would have realized that members of the media, members of the Canadian public and members of the opposition would have the ability to request that information through ATI requests and receive that information in a timely fashion. It would act as a deterrent to future misuses of power. That is something all members should agree upon.

Right now we talk about the government's wish, in the words of the Prime Minister, to increase the ability of the government to increase the access to information. I can only say it has been my experience, in listening to the Prime Minister talk about more openness and more transparency or accountability in government, that once again it is only lip service. The Liberals seem to talk the talk but they never seem to walk the walk.

I point out that on a number of occasions, three that I know of, this very Prime Minister voted against increasing access to information legislation in the House. On the one hand he is saying that it is his commitment to increase the level of accountability and transparency of the government and put to an end things like the sponsorship scandal and other abuses of government power, but we have seen no evidence that the Prime Minister actually believes what he says, because he has voted against changes to the access to information legislation on at least three separate occasions. Not only is that contradictory, it is unconscionable.

• (1025)

The Prime Minister has a responsibility as the head of the government, as does any prime minister, to be responsible to the Canadian taxpayer and the public. Yet he has proven absolutely no such knowledge of his responsibility.

Even though the Liberals and the Prime Minister have talked about meaningful access to information reform, they have proven to continuously stall and delay important legislation to this very day. For the life of me, I cannot understand why they would do so.

Let us talk about other areas where access to information serves a useful purpose. I am not talking not about direct scandal and corruption. I am talking about the waste and abuse of taxpayer dollars. The most glaring example of how an ATI request has brought to the light the abuse of these dollars is our national gun registry.

My colleague, the member for Yorkton—Melville, several years ago repeatedly made access to information requests about the cost of the national gun registry. It took a long time, but eventually he was able to uncover the massive waste of taxpayer dollars that have gone into this boondoggle called the national gun registry. Had he not had the ability to receive this information through ATI requests, even though it was deliberately slow walked by the government, the Canadian public perhaps even today would not have realized the massive cost overruns that the program has cost Canadian taxpayers. The program was originally thought to only cost \$2 million. It has escalated to close to \$2 billion now.

If there is no more glaring example of why ATI, access to information, requests are necessary to protect the Canadian public and its taxpayers that is it. How many more examples of abuse of taxpayer dollars could we find out about if we had proper ATI legislation today? The problem is we do not.

Many crown corporations are exempted from access to information requests right now. We have heard of abuses by heads of crown corporations, whether they be Canada Post or the Canadian Mint, but we have not yet had the ability to file a formal access to information request and receive information from the government about our questions. Why? Because the access to information legislation does not cover all crown corporations. It does not cover foundations which have billions of dollars of Canadian taxpayer money sitting there. Not even the Auditor General can find out what is happening in those foundations. That is a travesty and it should not be allowed to happen.

Clearly, if we were to increase the level of access to information requests to include crown corporations, foundations and basically every public function that deals with taxpayer dollars, democracy would be far better served.

We understand, as per the motion, that there should be exemptions, cabinet confidentiality is one example. However, we can make exemptions as the motion purports. What we need to do is come together on this, realize, understand and agree that without the ability for governments to provide information when requested to the media, to the opposition or, more important, to the Canadian public, we will not be serving those very people who have elected us to this place.

Therefore, I hope every member of this assembly will vote in favour of the motion to show the Canadian public that they understand the meaning of transparency, democracy and accountability.

Supply

• (1030)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, having been a member of the ad hoc John Bryden committee on access, I am very interested and supportive of a number of aspects. However, I would like to ask the member for clarification.

As he knows, in the report of the Senate Standing Committee on Access to Information, Privacy and Ethics on the process for funding of officers of Parliament, there is some concern about the definition of officer of Parliament. The Speaker, the Clerk, the law clerk, counsel, et cetera also are officers of Parliament. For the edification and maybe information of the House and those watching, would the member care to qualify how we define officers of Parliament?

Mr. Tom Lukiwski: Mr. Speaker, as my hon. colleague and I sit on a newly formed committee that will deal with some of those questions, I appreciate the timeliness of his question.

In my definition, the officers of Parliament are the Ethics Commissioner, the Information Commissioner and the Privacy Commissioner. To truly define what should be subject to access to information is something that can be a collaborative approach. It is something that could be determined perhaps in committee.

The main point I am trying to make is simply this, and I hope the hon. member agrees with me. If a person is defined as an officer of Parliament and responsible to Parliament, then that person should also be covered under the access to information guidelines. There should be no secrecy. The cloak of secrecy is something the Canadian public is most concerned about and, frankly, most upset about. I think citizens feel they find out about misuses of their own dollars after the fact rather than in a timely fashion.

Whether they be officers of Parliament, or foundations or arms of government, we can determine those definitions through committee. [*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, first, I want to congratulate my colleague from Regina—Lumsden—Lake Centre for his remarks.

As members of the committee, both he and I heard the presentation by the Minister of Justice, who came to propose a framework for action and a frame of reference, rather than a bill. This is cause for concern.

We learned from the sponsorship scandal and the Dingwall affair that crown corporations, such as Canada Post, the Royal Canadian Mint and VIA Rail, are not subject to the Access to Information Act. I do not know if the member feels, as I do, that the minister wanted to shield crown corporations that experienced turbulence as a result of the sponsorship scandal or, in the case of the Royal Mint, the Dingwall affair from the Access to Information Act. There is a sense that the minister is uncomfortable. Does the member share my interpretation?

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, I thank my hon. colleague for the fine work he has produced in the access to information, ethics and privacy committee, one of the committees on which I serve.

He is absolutely right. There are certain exemptions to ATI requests now, and I mentioned that in my opening comments. Crown

corporations such as Canada Post and VIA Rail are exempted from these requests. In other words, if people wanted to find out some information, because they had heard there may be something going on, and if they make a formal request for that information, neither Canada Post nor VIA Rail have to respond.

I use those two crown corporations because they were named in the sponsorship scandal. The presidents were political appointments. According to Justice Gomery, they were involved in the sponsorship scandal and must be accountable for their spending. Yet today they are not required to answer any access to information requests.

I talked earlier about the culture of entitlement combined with the culture of secrecy. One wonders how scandals occur. This is how they occur. Yet if they were required to respond to access to information requests, there is a chance those scandals may not have happened in the first place. At the very least, they would understand that they would be subject to ATI requests and it would act as a deterrent to future misuse.

• (1035)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the member for Regina—Lumsden—Lake Centre for bringing this issue forward today and allowing us, in what may be the twilight days of the 38th Parliament, to revisit what I believe to be one of the most important issues. I also want to note the generosity in his speech when he recognized John Bryden for developing this bill to the point it has reached today.

Would he agree with the current information officer, John Reid, who I also believe is a dedicated champion to freedom of information? He brought forward to the committee a detail that was not in the bill that stands under my name or under the name of Mr. Bryden. It is the issue of the failure to keep adequate documents and the fact that this should be, in and of itself, a punishable offence. Would that be a worthwhile addition to the efforts we have made to date in order to avoid this idea of an oral culture taking over? Should it be an offence to fail to keep adequate documentation?

Mr. Tom Lukiwski: Mr. Speaker, I absolutely agree with what the member for Winnipeg Centre has suggested. We have seen examples in the government where reports have been given orally upon request of the government. It has requested contracts or it has appointed and awarded contracts with the proviso that the reports be only given verbally. That is absolutely unbelievable. We are talking about taxpayer dollars, in some cases hundreds of thousands if not millions of dollars, yet when awarding the contracts, the government has suggested that it only wants the reports to be delivered orally because it does not want a written record of it just in case, God forbid, it has done something wrong.

I absolutely agree with the member's comments and the suggestion by the Information Commissioner. All reports should be written and if they are not, it should be punishable. It should be an offence.

Supply

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, I compliment the member for Regina—Lumsden—Lake Centre for this move today. It is certainly timely. I want to ask him a question about the current regulations as they apply to departments now.

For instance, recently the government announced it would close four experimental farms in Canada, one is in my riding. I submitted an access to information request to find out what possibly could be the excuse for these closings. I received the information in response to my request, which is the best tool to do my job. Page after page is blanked out. Page 8 is a letterhead with nothing on it. Pages 25, 26 and 27 are deleted. Page 62 is deleted, and so on.

This is an experimental farm. It has nothing to do with national security. It has nothing to do with our competitiveness. It has nothing to do with regard to people who would risk their jobs. Again, the government has just denied me the information to deal with an issue in my riding.

Could the member explain why these would be exempted and could he suggest what he would do if he were in a position to enhance the regulations to make departments provide the information that we need to do our jobs and to hold them accountable? After all, access to information is totally about accountability. In a case like an experimental farm, we should have access to all the information.

• (1040)

Mr. Tom Lukiwski: Mr. Speaker, in direct answer to one of the member's question, I cannot explain why some of the information he requested was not provided. Again, it goes back to what I call the culture of secrecy in which the government engages.

My belief is there should be exemptions. If we are talking about things of a national security nature, or if it is a cabinet confidence or if it is a matter of competitiveness, I agree there should be some exemptions. Beyond that, in my view there is no reason not to share the information.

The example which my hon. colleague has given seems to me a very straightforward request. It would appear to me that there is nothing of a national security nature, or a cabinet confidence nature, or a competitive nature that would prevent the government from giving the member the information he requested. I can only surmise that there has to be another reason for the government wanting to retain that information. Perhaps it is either embarrassing or damaging politically to the government, and that is not reason enough. If any government, of any political stripe, is doing its job and doing it job well, it should never be afraid of political embarrassment because it has done the job right in the first place.

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Mr. Speaker, I am happy to have this opportunity to speak to elements of the motion put forward by the member for Regina—Lumsden—Lake Centre, many of which appear to be reflected in the draft provisions prepared by the Information Commissioner for consideration by the Standing Committee on Access to Information, Privacy and Ethics. I wish to take a brief moment to provide the House with some important background information.

As most members know, the Minister of Justice appeared on April 5 of this year before the Standing Committee on Access to Information, Privacy and Ethics. At that time the minister tabled with the committee a discussion paper on access to information reform issues. This paper was presented to the committee with the intent of involving parliamentarians in this important reform process.

During his speech to the committee, the minister made clear his goal. His goal was to present the committee with a paper that described a number of key areas for reform, all of which have proven to be difficult to resolve because of their high level of complexity. This complexity includes the need to balance competing interests of apparently equal importance. During his remarks the minister expressed his hope that the committee would be willing to provide its invaluable assistance with a balancing of interests and the resolution of at least some, if not all, of the difficult issues raised in the discussion paper.

I wish to echo the minister's hope that the committee will indeed become engaged in this fundamentally democratic issue, which is the reform of the Access to Information Act, by hearing the views of interested parties on the questions raised in the paper.

The committee, of which I am a member, chose not to study the issues outlined in the discussion paper. Nor did the committee consult with a wide range of stakeholders whose views are of crucial importance in the area of access reform. Instead, the committee asked the Information Commissioner to prepare legislative proposals to reform the Access to Information Act. At the end of September of this year the deputy information commissioner presented the committee with these legislative proposals.

On October 25 the Information Commissioner himself appeared before the committee to discuss his proposals. During his appearance the Information Commissioner confirmed that he had not consulted certain key stakeholders, by which I mean regular requesters, affected government departments, agents of Parliament, crown corporations and other federal entities, companies that provide sensitive commercial information to the government, and foreign governments that share national security information with us. This may explain why a number of the commissioner's proposals may seem acceptable in concept, but are problematic or even unacceptable as drafted.

For example, the Information Commissioner proposes to clarify that ministers' offices are subject to the act, although it appears that the commissioner's intent is to subject only those records held in ministers' offices that relate to departmental matters. The proposal as is does not clearly exclude records of a personal or political nature. This means that a person could potentially obtain information about a minister's constituency business by means of the Access to Information Act which has nothing to do with ministerial accountability.

As stated in the discussion paper, the government is of the opinion that records in a minister's office should not be covered. The current exclusion of these records allows for the free and frank debates that are required to ensure that the political process functions properly.

Supply

Further, confidentiality is required for the offices of ministers to respond to constituents' concerns. Also, ministers and exempt staff are already encouraged by the Prime Minister to proactively disclose information about their travel and hospitality expenses. This information can be accessed on their web pages in a timely manner.

On another note, the Information Commissioner proposes to cover cabinet confidences under the act. Currently, cabinet confidences are excluded from the act. Ministers meet regularly in cabinet to exchange views and opinions on policy matters in order to make decisions on government policy. For this decision making process to be fully effective and in order to foster cabinet solidarity, it is essential that ministers be able to have full and frank exchanges between and among themselves and to have the assurance that these exchanges will be protected. As such, the government believes that the exclusion of cabinet confidences from the act should continue, with one important modification.

● (1045)

The government would enshrine in the legislation the right of the Information Commissioner to go to court to challenge definitional issues. This would allow the Information Commissioner to ask the Federal Court to review the government's determination that information sought under an access request fell within the definition of a cabinet confidence and for that reason was properly not accessible pursuant to the act. If the court did not agree with the determination made by the government, the information would no longer be excluded from the application of the act.

The Information Commissioner on the other hand would make cabinet confidences subject to the act, but they would be protected from disclosure by a mandatory exemption. However, this mandatory exemption would have a public interest override attached to it. This means that any cabinet confidence could be disclosed if it were in the public interest to do so. Even leaving aside for the moment the question of whether cabinet confidences should be fully covered by the act, the commissioner's proposal is problematic for a number of reasons.

For example, the Information Commissioner has now consulted with the Privy Council Office to see what the impact would be of having a public interest override applied to cabinet confidences. Do we actually want the Information Commissioner telling the government when it is in the public interest to divulge the deliberations of cabinet?

As well, the addition of cabinet confidences to the act requires consequential amendments to the Canada Evidence Act, the Privacy Act and the other statutes that refer to confidences of cabinet. These necessary amendments have not been considered by the Information Commissioner. This may seem like a small point, but underlines why the commissioner's proposals cannot be adopted without great care being taken.

The Information Commissioner would also broaden the coverage of the act by including all crown corporations. The commissioner would not provide protections for sensitive commercial information. As I mentioned, the Information Commissioner did not even bother to consult with the crowns when drafting this proposal. It is anticipated that many of the crowns would therefore not be satisfied with the Information Commissioner's proposal.

Further, the commissioner would cover all bodies or offices funded in whole or in part from parliamentary appropriations, as well as bodies or offices that provide services in an area of federal jurisdiction that are essential to the public interest as it relates to health, safety or protection of the environment.

I am not certain that the criteria proposed by the Information Commissioner for covering federal entities under the act are the correct criteria. The government considers that the criteria should be related to stable characteristics of the organization, such as function or controlling interest by the government, and not to criteria that relate to fluctuating characteristics such as the level of federal funding. Further again, the commissioner did not consult with federal entities when developing his criteria to add these organizations to the act.

The commissioner would also cover the five agents of Parliament. Related to this, he proposes to create a mandatory exemption for information obtained from another government institution in the course of a lawful investigation. The new exemption proposed by the commissioner would not, however, protect the information created by the agents themselves in the course of their investigations. Apparently the commissioner does not believe that this class of information deserves protection. We disagree and believe that the agents should have an opportunity to give their views.

In addition, the Information Commissioner would amend the exemptions for provisions that protect not only sensitive federal government information, but also the sensitive information of our government allies and businesses. The Information Commissioner would make most exemptions discretionary, which would give governmental institutions a choice as to whether or not they would disclose the information.

Some exemptions function well being discretionary. On the other hand, certain exemptions need to offer a stronger level of protection. For example, section 13, currently a mandatory exemption, protects information received in confidence from governments of other countries. The Information Commissioner proposes to make this exemption discretionary. There is a strong risk that foreign governments would be extremely reluctant to provide sensitive information to Canada without the high level of protection offered by a mandatory, not discretionary, exemption.

● (1050)

Almost all exemptions would be subject to any injury test. This means that a government institution could only invoke the exemption if it could prove that the release of the record would cause injury. Again, some exemptions already contain an injury test and function appropriately. However, other exemptions would not work properly with the injury test attached.

For example, the exemption for information covered by solicitor-client privilege currently has no injury test, as is the case in all provincial and territorial jurisdictions. Subjecting solicitor-client records to the injury test would put the federal government at a clear and unjustifiable disadvantage vis-à-vis protecting the legal advice it receives.

Finally, all exemptions would be subject to a public interest override. The implications of such a general override have not been properly assessed. As I have already stated, the Information Commissioner did not consult with government departments and other entities that would be affected by such a sweeping change.

Currently, the act protects confidential commercial information supplied by third parties specifically including trade secrets which are not defined in the act. The Information Commissioner proposes to define trade secrets. This proposal may seem innocuous but we feel that it could be potentially problematic. When a term is codified it becomes frozen in time and may not respond to future developments in jurisprudence. If two years from now the generally accepted view of the term "trade secrets" changed, the Access to Information Act's definition would be outdated and stagnant.

As a whole, the Information Commissioner's changes to the exemption could result in less protection for sensitive information provided often on a voluntary basis to the government. As a result, third parties and other governments might refuse to provide information because they felt that their information was not adequately protected by the exemptions. This could impair the mandate of the departments that rely on those exemptions to protect, for example, information received in confidence from the governments in other countries.

Further, the Information Commissioner proposes to repeal section 24 in schedule II which contains over 70 statutory provisions that prohibit disclosure. Without this exemption, however, some government entities may be unable to protect sensitive commercial and personal information they need to carry out their mandates, as other exemptions may not adequately protect these types of information, or because the protection is not strong enough to assure those providing the information that it will not be disclosed.

For example, the confidentiality clauses in both the Statistics Act and the Income Tax Act are included in schedule II. My concern is that regarding the census, people would be much less willing to provide the government with necessary, but undeniably highly sensitive, personal information without an ironclad guarantee of confidentiality which the commissioner's proposal would not provide.

The Information Commissioner also proposes to legislate a statutory duty to create records. The failure to create such a record would be a criminal offence. This duty does not belong to the Access to Information Act. I understand what the commissioner is trying to get at and I certainly do not deny that the deliberate non-creation of records, an important decision, needs to be addressed, but does it need to be addressed in a law? Is a criminal offence necessary here?

Further, what would the operational requirements be to fulfill such an extensive duty? Would this actually help departments fulfill their duties or would it hinder them? Would a civil servant have to make a

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formal record for every conversation that he or she had with a colleague about departmental matters? This could be a crushing burden. The answers to these questions are not clear in the Information Commissioner's proposal.

The Information Commissioner would also allow any person regardless of citizenry to make access requests. This universal right of access could have significant costs for certain departments. More study needs to be undertaken on the costing and administrative burden of such a proposal before it can be adopted.

On November 3 a motion was agreed to by the Standing Committee on Access to Information, Privacy and Ethics first, to accept the proposed open government act as drafted by the Information Commissioner's office, and second, to recommend to the House of Commons that the justice minister consider the advisability of introducing legislation in the House based on the Information Commissioner's proposed provisions by December 15 this year.

● (1055)

While the minister applauds the movement toward a modernized act that would result in greater openness and transparency within the government, he feels that the Information Commissioner's proposals threaten to disrupt the delicate balance between the need for openness and the need to protect legitimate government interest.

Further, the Information Commissioner did not consult with stakeholders when drafting his bill to reform the Access to Information Act.

Truly balanced legislation that reflects all competing interests and maintains the critical balance between the right of access to government information and the need to protect sensitive information cannot be constructed without full and complete input from all affected parties, including government departments, crown corporations, agents of Parliament, other federal entities, affected third parties and, of course, the media, the Canadian people and foreign countries.

We feel that the access committee, in supporting these proposals, has not taken into account the necessary range of interests and, as a consequence, has acted in haste.

The decision to move ahead with this is that we had spent a period of time with a sense of frustration and a desire to move on. I think there was a desire to do something but in my opinion we had a fair amount of dialogue on the motion that we approved. The hon. member for Winnipeg Centre had served notice. We had time to consider it. A lot of consideration took place by all the parties in question and ultimately it was modified.

I think the motion is very positive and there is a willingness to go forward. However, in doing that, it is not something that can be achieved overnight, even though a response has been asked for by December 15.

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The Access to Information Act is a quasi-constitutional statute that has been described by the Supreme Court of Canada as a pillar of our democracy. As such, it is imperative that we strike the appropriate balance between openness and confidentiality in access reform. To do this, all elements and angles must be considered before we can move forward with an informed and balanced reform package.

As such, the adoption of the Information Commissioner's proposals to reform the Access to Information Act is premature. The committee needs to call on stakeholders from all sides to discuss potential areas for access reform in order to arrive at a balanced bill that reflects the needs and interests of all affected parties.

As the current Information Commissioner has stated on more than one occasion, the Access to Information Act is a good law. Equally true is that after being in existence for 22 years the act is in need of reform and modernization. On this I know that the Minister of Justice is anxious to proceed with access reform.

However the Access to Information Act cannot successfully be reformed by having people tinker with it in ways that do not recognize the complexities of the act. The Access to Information Act is a fundamental part of our democracy and we are fortunate to have a statutory right to check up on the government. We must not allow this democratic right to be altered in any way that is not entirely thoughtful and cognizant of the all the interests that are at stake.

• (1100)

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, I listened with care to the comments of the member and they confirm an impression that I have had for many years with respect to the Liberal Party on access to information.

First, what we have here is an excellent motion by the member for Regina—Lumsden—Lake Centre which asks the government to bring forward legislation that would open up government, make public life in this country more transparent and have greater access to the works and the spending quite frankly of crown corporations and other government institutions.

I think the member's speech was typical of what we have seen for many years. It is a government that is not truly committed to the idea of opening up government, the transparency of government and, indeed, access to information. Members of the Conservative movement in this country over the last number of years have been consistent in that we want to see this.

The member talked about the proposals from the Information Commissioner and said that while the Minister of Justice is anxious to move ahead, he had at least 30 caveats and problems with moving forward. Instead of the member saying that the Minister of Justice is anxious to move ahead, let us cut out the nonsense and say that the minister does not want this to see the light of day. That is the bottom line. If he were anxious he would have brought in legislation at any time over the last couple of years.

In fact, what the Liberals would really like to do is absolutely nothing so that when there is an election they can say that they heard the Gomery recriminations, they read the Gomery report and they will bring in legislation. In that way they actually do not have to do it in any sort of time line. Is that not what is really going on?

Mr. Russ Powers: Mr. Speaker, I certainly think the response of the minister in introducing his proposals determined and reconfirmed the complexity of the legislation and the issues before us.

It is clear that there is a desire of the mover of the motion to bring it forward and ask for our consideration. However, when the minister tabled his report before the committee and in responding to the request of a former member of this House, John Bryden, and the initiative by the hon. member for Winnipeg Centre, he went through that and determined there were too many unanswered questions and reconfirmed the complexity of the legislation. There were over 30 elements within the act that required clarification so he asked us to consult Outreach, which is why his approach was very prudent.

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I have listened to the hon. member's speech with much attention and interest. I am prompted to react to certain elements of it and to ask certain questions.

The last sentence of his speech was superb. However, the rest of his 17-minute speech made one wonder whether this government really wants transparency, really wants information to be distributed. The argument he presents is a desire to protect information from foreign countries and that relating to trade secrets, no more and no less. It is my impression that we are straying away from what we, as democrats, really want in terms of true transparency.

We want to take steps to ensure that this is a far better informed society and one in which we will be able to know more about what departments are doing with our money. Unfortunately, the examples are legion. As the hon. member pointed out, the Access to Information Act has not been revised for a very long time. Amendments are therefore very much in order. This must not, however, be done according to the conditions set by the government, since some serious questions can be asked about transparency and trust as far as it is concerned.

I would like to ask the hon. member to review for our benefit the real reasons behind our having an Access to Information Act. It must not be limited or overly amended. Judging from what he has said, the result will be to further hamper those who want the government to be both more transparent and more responsible.

• (1105)

[*English*]

Mr. Russ Powers: Mr. Speaker, Parliament itself is responsible for legislation and we have a right to ask those particular questions.

As things have evolved, I think everyone recognizes that there is a need for increased transparency. The legislation does require a modernization and an upgrade. I indicated earlier that the legislation is 22 years old and no substantial changes have been made in the way we do business. Not too many years ago we did not have access to emails or the degree of telephone calls or communications. Just for those reasons there is a reason to modernize it. Not only Parliament but the public is asking for transparency and access.

Supply

The challenge we have, whether it is the doings or the operations of government, it is like that in our public lives. In other words, in dealings that I am doing on, say, a real estate deal or buying my house or things such as that, there are elements of that business that I realize rightly should be kept confidential. What we need to do, and I certainly think it is the proposal by the minister and it is very clearly the intent of the Information Commissioner, is to de-minimize those but ensure the protection is there.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, in his last example, the member used a curious example of the sale and transaction of a home. I have just come from meetings involving the sale of a Crown corporation in my riding, Ridley Terminals, which is happening under increasingly suspicious terms. We cannot gain access to the government's handling of this very important file which is creating all sorts of uncertainty. All the while, the distinction does not seem to be made for the government between what is a private transaction, which is the sale of the hon. member's home, and the use of public funds in a transparent and open process. We cannot pry from the government the information required.

We heard testimony after testimony from the Information Commissioner and the Ethics Commissioner. Thank goodness for Ms. Fraser's diligence in pursuing what was blown open by opposition parties and the sponsorship scandal that came from it to show the Canadian public what was happening with their tax dollars.

Why after 12 years does the hon. member and others in the party talk about that sense of urgency they have toward transparency when they have had more than a decade in which to create that transparency? Why after so much time are Canadians meant to believe that in cases like the sale of the Ridley Terminal or other cases that have gone on before the government, they should have any faith in the government's sincerity and not believe just PMO rhetoric?

Mr. Russ Powers: Mr. Speaker, there is no disagreement on this side that Crown corporations should come under the jurisdiction. That has created some problems and certainly the move forward to the open government act and the suggestions made by the Information Commissioner will do that.

The fact is that there are ongoing negotiations. I can only surmise what they are because I am not privy to them. The hon. member is certainly more privy to the details of the dealings.

What the legislation would clearly define, which would ultimately become the property of this House, is what should be maintained in a confidential manner and what should be available to whom and when. There are just too many partners involved in this to go in and change it overnight at the whim of a *carte blanche* motion.

• (1110)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak to this motion by the Conservative Party. A little background is needed to understand how, among other things, the Conservative Party came to table this motion today.

It is my pleasure to provide this background. It all began with the creation of the Standing Committee on Access to Information, Privacy and Ethics in this Parliament. Why was it established? Following the revelation of the sponsorship scandal, which I will address in part during my remarks, the Liberal government decided in the latest election to establish an independent committee to question officers who are supposed to be independent officers. The Information Commissioner is supposed to be one. No decision has been reached on the manner of their appointment, but it is hoped that the transparency of the Liberal Party will result in all parties being invited to appoint the Information Commissioner so as to guarantee his independence.

The background means that the access to information file is not new. I was surprised by my Liberal colleague's presentation. He is right. The act has not been amended for 23 years. Still, some Liberal members of this House have introduced bills. They include hon. member Bryden, who introduced Bill C-201 in the preceding Parliament, before the sponsorship scandal was revealed. At the time, there was already a certain Liberal intent in this Parliament, since the MP introducing C-201 was a Liberal.

Then, at the start of the present Parliament, the member for Winnipeg Centre, who had the privilege of introducing the first piece of legislation, had the unfortunate idea of negotiating with the Minister of Justice. A number of other bills could have been introduced, but his first thought was to introduce a bill to amend the Access to Information Act, which was practically identical to the bill tabled in the previous Parliament by MP Bryden. So he had the unfortunate idea of negotiating with the Minister of Justice, who told him not to table a private member's bill, since the government was going to table a bill to amend the Access to Information Act and especially to make it more transparent.

I agree with my committee colleagues. In order for there to be transparency, all government agencies, corporations and foundations needed to be subject to the Access to Information Act. We had just gone through the sponsorship scandal, which we are still going through. We are well aware that Canada Post and Via Rail are not subject to the act. I will spare you the indiscretions of their presidents, the money they spent to promote Canada and the commissions paid to the agencies, which were in turn handed over to the Liberal Party. That is what happened. Those who elected a large majority of Bloc Québécois members in Quebec and Liberal members in the rest of Canada expected more transparency, especially since the Prime Minister said he wanted to champion transparency.

Supply

The reality is that we, the newly formed committee, called the Minister of Justice as a witness. We asked him, since he had reached an agreement with the hon. member for Winnipeg Centre, to introduce a bill. But what he brought forward was a framework for action. We realized that this framework addressed what the minister wanted and was not a bill. As my colleague was saying, after the presentation by the Information Commissioner, who said he was prepared to introduce a bill, the unanimous reaction in committee was to ask him to go ahead. We asked him whether he was prepared to introduce a bill that reflected his view of ideal access to information legislation. At the request of the committee and despite the fact that the minister did not want a bill, the commissioner went ahead with it. The minister instead wanted us to discuss a framework. Former MP Mr. Bryden gave a presentation in committee and shared his thoughts, as did our colleague from Winnipeg Centre, who was prepared to introduce a private members' bill. We welcomed the minister, who told all those people he would introduce a bill, but in the end submitted a framework for action. Accordingly, we asked the commissioner to introduce a bill.

• (1115)

This is what the Conservative Party is basing itself on today in its opposition day. I will use this document, which was produced by the Information Commissioner.

It is a bill in due form with explanations and everything that is needed and which was prepared by the Information Commissioner. So I am surprised today to hear my Liberal colleague tell us that, ultimately, this is not what was requested. And yet we were unanimous.

We asked the Information Commissioner to introduce this bill, which is not a framework and which we are using today for discussion purposes. It is what we are relying on as we make our interventions and hear from witnesses in committee. All that is done when we have a bill. When we have a framework for action or frame of reference, there is a discussion before the bill is introduced. So the committee was not fooled. Even the Liberal members followed us in committee.

We do not want any more procrastination now. We want a bill that we could discuss, that we could call witnesses on in order to finish with the access to information file. We think that the Minister of Justice just wants to gain time so that people cannot ask any questions of crown corporations, including Canada Post and VIA Rail, all the foundations and all these agencies that manage the assets and much of the money of Quebeckers and Canadians. People might ask them questions about how they spend this money.

We certainly would have liked the presidents of VIA Rail and Canada Post to account to all the people who had questions for them, but that was impossible. It is still impossible today. And in view of the Liberal position, it will continue to be impossible because the Liberals do not want to act. They want to gain time before amending the Access to Information Act. Why? Because of the sponsorship scandal, because if people start asking questions, they will find other things and because, ultimately, the senior executives of crown corporations are all government political appointees.

So they had better not try to tell us that the government, in an effort to be transparent, intends to resolve the democratic deficit.

Forget it. We saw this recently: the current Prime Minister appointed Dennis Dawson—his political organizer in the Quebec City region—to the Senate. It has not stopped and never will. This Liberal Party is using public funds to win elections and it will never stop. We saw this yesterday. It is using money belonging to all Quebeckers and all Canadians in order to win elections.

This is a perfect example of this Liberal political corruption. It is even worse to make indirect use of something no one else would dare say or do and to make it systemic: the Liberals created a system. We see it today in the Liberal Party's answer with regard to access to information and transparency. Ultimately, all the Information Commissioner wanted to provide—I will read the text—is a bill that was supposed to be transparent. He has called it the "Open Government Act". The Information Commissioner no longer wants to call it the "Access to Information Act" but rather the "Open Government Act".

In theory, the government, which wants to be the government of transparency, should be applauding but it is not. Today, we are being told that we have not examined it enough, subjected it to enough questions or called enough witnesses. The problem is that we cannot even begin to call witnesses because the bill has not yet been introduced. That is how the Liberal Party works.

The commissioner presented his position, when he appeared before our committee on October 25, 2005. So it is public and in no way secret. Here are a few excerpts from his speech:

This committee asked me, before the summer break, to provide a proposed reform bill and I commend the committee for its determination to ensure that we have, in Canada, the strongest possible right of access to government-held information. Members from all parties understand that transparency of government is essential to accountable government.

Obviously, we unanimously asked the commissioner to provide what he considered to be the most appropriate bill possible. Thus, he has proposed a bill entitled the Open Government Act.

The following extract pertains to C-201. This was MP Bryden's bill. Members will recall what I said earlier. A Liberal MP introduced a bill before the sponsorship scandal. So, at the time, there was an incipient desire among the Liberals to really resolve the access to information problem.

The commissioner continued as follows:

My proposal, like Bill C-201, expands the number of institutions to be covered by the act; it reduces the scope of secrecy permitted by the act, it expands the powers of oversight by the commissioner in the courts, and it increases incentives for compliance and penalties for non-compliance.

●(1120)

The intent is to strengthen the Access to Information Act and in particular to have it apply to all the corporations not covered by it, including VIA Rail, the National Arts Centre, the CBC, Export Development Canada, the Canada Post Corporation, Atomic Energy Canada Limited, the Canada Pension Plan Investment Board and all foundations. As this money belongs to the public, the aim of the commissioner is to give the public the right to question those who manage it. In my opinion, this needs to be done especially when the managers are Liberal agents. And this has been the case for the past 13 years.

The commissioner continued in his presentation with the following statement, “None of these improvements can ensure accountability through transparency unless there is a foundation of professional record-keeping by public officials”. One of the important parts found as well in today's motion by the Conservative Party, is for officials to keep records. He went on to say, “The most fundamental, pivotal proposal I am making is that it be a legal duty to create appropriate records to be imposed and that an offence be created for failure to fulfil that duty”.

He then talked about Bill C-201. As I was saying, Mr. Bryden's bill was introduced before the sponsorship scandal. This scandal has also revealed that documents vanished and that it was impossible to find them. The commissioner said so, “Although this latter provision did not appear in Bill C-201, there is universal acknowledgement of the reality that the right of access is being rendered meaningless by a growing oral culture in government”. In other words, we no longer write anything down, we just talk. That is how it works. We no longer write to each other for fear of getting caught. That is how the Liberal Party of Canada operates and manages public funds. These are the very words of the Information Commissioner, an independent officer appointed by the Liberals by the way.

He continued by saying:

The failure by public officials to be professional in creating records is also undermining the work of Parliament, the Auditor General, the National Archivist, the police and judicial inquiries. Conducting governance by winks and nods simply leads to poor decision-making, inept administration and corruption.

In other words, the Liberals' paperless mode of government can lend itself to corruption. It is not surprising that we had the sponsorship scandal. The decision had already been made to no longer keep documents but instead to just talk about things and make decisions based on that.

The Information Commissioner is the one who carries out investigations when questions arise. He noted what was going on only in the departments he needs to oversee, not the crown corporations headed by appointed Liberal Party cronies.

Further on in his annual report, he grades the departments, including the Privy Council Office. Hon. members need to understand that this is the body that gives all departments access to information, and supervises them. It got an F. This means that it no longer responds to over 30% of access to information requests. It is all very well for PCO spokespersons to say that they are short of staff and pressed for time, but the result is the same: they are not responding to requests.

Supply

As for delays and denials, the commissioner wrote the following on page 10 of his annual report:

The main causes of delay appear to be:

Inadequate resources in ATIP offices;

Chronic tardiness in the retrieval of records due to poor records management and staff shortages in offices—;

Difficulties encountered during the consultation process with third parties and other government institutions;

Top-heavy approval processes, including too much "hand-wringing" over politically sensitive requests and too frequent hold-ups in ministers' offices; and

Poor communication with requesters to clarify access requests.

I repeat, one of the five reasons is “top-heavy approval processes, including too much 'hand-wringing' over politically sensitive requests and too frequent hold-ups in ministers' offices”. In addition to documents not being available to the commissioner when he comes to do his job—because there are oral discussions rather than written documents—ministers and deputy ministers intercept requests in advance, hold on to them and examine whether they might pose a risk. When they see that they may be dangerous, they are not processed.

●(1125)

It is as simple as that. They interfere and provide no answers. It happens only in departments that fall within the purview of the Information Commissioner. There was no talk of new corporations that should be subject to it.

A certain regime has thus become entrenched in Liberal governance. It has existed for decades now, with the result that this entire oral system leads to corruption, as the Commission so aptly put it. This is what happens. We should not be surprised at these realizations, nor at the answers that the Liberals give us today, nor the fact that they are not prepared to review the Access to Information Act expeditiously. They simply do not want to.

The Minister of Justice has decided that we would have a framework that would allow us to have discussions and call witnesses before we have a bill, which would also be subject to debate and would be referred back to committee where witnesses could still be heard. That is the Liberal culture: it does not stop, it is the same thing day after day.

Once again, in our view, as far as transparency is concerned, the Liberals did not display it prior to the sponsorship scandal, nor during that scandal, and they are still not doing so after it. All this means is that, whether we are talking about Chrétien or the new Prime Minister, it is six of one and half a dozen of the other. That will not change and will never change as long as the Liberals are in power.

I will list the problems with access to information that even Judge Gomery had to deal with. We must not forget that the government sent a number of censored documents to the Gomery commission on the sponsorship scandal and refused to forward a number of crucial documents to the commission charged with investigating the case of Maher Arar.

Supply

How have we come to be defending an amendment to the Access to Information Act today? It is because we have examples, which we will list. The government misled Parliament in its answer to a written question on the order paper. In its initial response in February 2003, the government estimated at \$137,500 the amount paid to the Prime Minister's family business over 10 years. Following protests from the opposition, the government revised its answer in January 2004, bringing the total amount of federal grants to Canada Steamship Lines to \$161 million.

These things are happening in Parliament. The culture that is entrenched in this government is an oral and figures-based culture. Obviously, figures talk. Since I am being told I have two minutes left, I will make full use of them.

We asked Parliament, the government and the then Minister of Finance who was in charge of the assistance programs to tell us how much Canada Steamship Lines had received in government grants. The answer to this question on the order paper was \$137,500. Finally, after much research, the opposition said that this was not possible, that it had found other amounts in other areas. The government changed its position and came back in January 2004 to answer the question from February 2003—11 months earlier—and indicated that \$161 million had been paid to the Prime Minister's company. This is how things work.

Clearly, the antics of André Ouellet, president of Canada Post, Michel Vennat of the Business Development Bank of Canada, Marc LeFrançois and VIA Rail were not enough. These people appeared before the Standing Committee on Public Accounts and before the Gomery commission. Following their testimony, it became obvious that they had wasted public funds, on sponsorships and commissions paid to firms that are all named in the Gomery report, that were part of the sponsorship scandal and that lined their pockets. Now, after all that, these firms, VIA Rail, Canada Post and the Business Development Bank of Canada are not subject to the Access to Information Act.

As a result, the public, which wants to know whether these executives may have skimmed a little off the top or what expenditures they did make, cannot find out. It is out of the question. The government is saying no. It is rejecting something a Liberal member had proposed in Bill C-201 even before the sponsorship scandal. It is rejecting what the member for Winnipeg Centre wanted to do, which was introduce a private member's bill, in view of the promise that the minister was about to introduce a bill.

The government has merely created a basic framework, with the emphasis on the word "framework". In other words, you were supposed to stay within the "framework".

• (1130)

It had already anticipated what we could not do.

Today, the Bloc Québécois will support the Conservative Party motion. It is a motion about transparency, and we want real transparency legislation when it comes to access to information. The public must be able to ask questions and obtain answers. We no longer have faith in this Liberal government, which has been in power for too long and has filled one too many pockets.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member is on the Standing Committee on Access to Information, Privacy and Ethics where this particular motion was developed and discussed extensively, so he might be able to shed some light on some of the underlying questions that have been raised.

The motion refers to expanding the coverage of the act to include all foundations and all organizations that spend taxpayers' dollars. We understand the intent here. However, we have found some concerns in other legislation about, for instance, having the Auditor General audit foundations where the foundations were not exclusively or solely funded by the federal government. There are other partners such as private interests, provincial interests, and other stakeholders in which case the legislation could not apply. That is with regard to even our current foundations of which there are a number of examples. What would we do if there were foundations that were not solely under the funding of the Government of Canada?

With regard to organizations that spend taxpayers' dollars, I assume by that broad statement that every province that receives transfer payments from the Government of Canada and therefore spends taxpayers' dollars would also be subject to the same extensive scrutiny. I am not sure if that was the intent. Maybe the member could comment on that as well.

[Translation]

Mr. Mario Laframboise: Mr. Speaker, the intention—I trust—of the commissioner and the committee is that every time the people put their money into a federal body, they will be able to ask questions about it.

The bill introduced by the commissioner does, however, provide guidelines regarding trade secrets. Obviously, there is no intention of giving competitors the opportunity to ask questions and obtain trade secrets. That is understandable, and there are guidelines.

What we want is to ensure that, when the government invests the people's money into an agency, the public will be well aware that it can ask questions about what is being done with that money. I am not talking of money invested by private businesses. They will do as they please with their money, but we want to know where the public's money has gone.

That is what the Access to Information Commissioner and the majority of the committee are proposing to us at present, and I hope it will be accepted. We find it inconceivable that the people's investments do not entitle them to ask questions of those administering the money. This must be possible. We do know, however, that there must be certain guidelines, for instance where trade secrets and national security are concerned. We are aware of this and they are included in the bill.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I would like to first of all congratulate my colleague for his fair and apt presentation on the Access to Information Act. He has shown a great deal of perspicacity. I have a question for him.

This Liberal government has been in power since 1993. It administers public funds. Now it is 2005. This government has had to deal with several financial scandals, including the sponsorship scandal, where money was transferred in a special way to federal institutions at the time of the 1995 referendum. Still today, we note a degree of hesitation on the part of the government to justify all of its institutional spending.

This is my question for my colleague: in the aftermath of the many scandals we are all familiar with, what interest can this government still have, now, in wanting to conceal or deny public access to all of the facts about spending by the various institutions currently administered by it?

• (1135)

Mr. Mario Laframboise: Mr. Speaker, I will first thank my colleague for his question. My answer is quite simple. It is nothing more than Liberal electioneering and opportunism.

By not amending the act, they are maintaining the oral and secret culture revealed by the Information Commissioner. He has said the act must be amended quickly. The most urgent requirement is for the government to keep spending records. The oral culture has led to corruption. When this sort of culture is practised for Liberal partisan purposes, corruption follows. No other reaction is possible. This is the only way to understand it.

In addition, they try to make it impossible for people to question how the president of VIA Rail or Canada Post or the Business Development Bank of Canada manages taxpayers' money. They make it impossible for people to criticize their chums appointed to these positions, who have been replaced by other chums. In fact, access to information means access accorded the public. They can ask questions. We can do so as MPs, but ordinary individuals can ask a question and receive an answer on a matter they have heard about. People are often interested in local and regional matters, such as VIA Rail, Canada Post or the Business Development Bank of Canada and would like to know why so-and-so got money or what happened.

Given their desire to maintain this ongoing culture of compensation for their friends, they do not want to amend the Access to Information Act. This is the answer I have for my colleague.

Mr. Roger Clavet (Louis-Hébert, BQ): Mr. Speaker, I too heard my colleague from Argenteuil—Papineau—Mirabel take part in the debate on the motion to amend the Access to Information Act. Some comments are very disturbing. We have often heard such statements in the House, but now they are becoming much more specific.

In light of the remarks made by my colleague, I want to ask him a question. In his opinion, does the government secrecy that the Liberal government loves to surround itself with take precedence over the public interest, the right to know and the desire for transparency? My colleague seems to be indicating that, on numerous occasions and in many respects, the Liberal government has violated these great principles of access to information and the public interest before all else. He mentioned, in particular, that appointments are often made without any consultations or transparency whatsoever. As a result, members who lose their seats suddenly ascend to new heights or the Prime Minister's Office; they are appointed to very important and well-paid positions. On occasion, they are appointed to the Senate; Liberal candidates who

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were defeated in the last election become senators, in repudiation of the people's decision.

Does this motion being introduced today, which my colleague supports, speak to this need to sanction the public's democratic legitimacy? Is this motion, which was introduced by the Conservatives and which the Bloc supports, a way for citizens—especially Quebeckers, since they are our first priority, but also Canadians—to obtain the right to transparency and an indispensable honesty in the management of public matters? Does this motion suggest some possible ways to improve the public well-being?

Mr. Mario Laframboise: Mr. Speaker, I want to thank my colleague from Louis—Hébert for his question. Indeed, this bill will put an end to the culture of secrecy. As was mentioned, secrecy means corruption, or a culture of corruption, unless questions can be asked regarding the organizations and the major issues.

My colleague is quite right to say so and has said so politely. Ms. Scherrer is at the PMO and Dennis Dawson is now a senator. Again, this is a flagrant example of Chrétien-style political partisanship adopted by the current Prime Minister, who was finance minister under Chrétien. It is the same culture. It has not changed, but gotten worse. We have examples.

Some things are not easy to do. Yesterday one young woman in Quebec, Nathalie Simard, stood up and made a statement indicating that the person who mistreated her received a lot of money from Radio-Canada. That was mentioned yesterday. Yet, Radio-Canada is not subject to the Access to Information Act. There may be many people asking questions today. What happened? Did Radio-Canada know about it? Were any rules bent in awarding some of the contracts? People may have some questions. The problem is that the Liberal Party defends the current legislation on this crown corporation.

We will never get any information from Radio-Canada about what happened to Nathalie Simard or to the Simard family. We will never know because this information is not accessible under the Access to Information Act. Therefore, we must be very vigilant.

Quebeckers are proud to have as MPs men and women who represent them by telling the Liberal government that we no longer accept their corrupt way of running things. If it wants transparency, then we will give it legislation on transparency, as proposed by the Access to Information Commissioner, whom we supported and who was recommended by an independent advisor. Today we are proud to defend this bill.

• (1140)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague from Regina—Lumsden—Lake Centre for introducing today's motion and giving us the opportunity in perhaps the twilight days of this Parliament to debate such a critically important issue for the health and well-being of our democracy.

Supply

I do not think I am overstating things by saying that freedom of information is the oxygen that democracy breathes. The single most significant thing we could do in this 38th Parliament would be to amend in a significant way our access to information laws and to strengthen the concept of freedom of information in our society.

I also compliment and thank some of the other members of Parliament who are dedicated to this goal. My colleague from Argenteuil—Papineau—Mirabel has been a tireless champion of this issue. My colleague from Mississauga South, who I am sure will be speaking to this motion, has dedicated much of his career to trying to drag the government kicking and screaming to embrace the concept of a regime of freedom of information.

It is fitting that other members have paid tribute to former member of Parliament Mr. John Bryden. Without exaggeration, he dedicated literally most of his time here as a parliamentarian to this issue. He was a member of Parliament for 10 years or so. Coming from the background of a journalist and an academic, he was a tireless crusader and champion on this very subject.

I cannot imagine the frustration he must have felt as he raised this issue over and over again with his own caucus colleagues, with his own Liberal government bureaucrats and was thwarted, undermined and frustrated every step of the way. Yet unilaterally, he formed his own ad hoc parliamentary committee of members of Parliament when he could not get his own government to embrace this concept. It is fitting that we recognize John Bryden today. He pushed the envelope as far as he possibly could within the limitations as a Liberal member of Parliament. He then crossed the floor thinking he might have better luck with the official opposition. He then sat as an independent and now he is no longer with us.

Sunlight is a powerful disinfectant. The freedom of information laws are the sunlight of politics, the natural enemy of the culture of secrecy that allows corruption to flourish. It is hard to overstate what a central place freedom of information holds in our political structure. The members of the House of Commons justice committee spoke about Canada's Access to Information Act as holding a similar significance to the Canadian Charter of Rights and Freedoms. The Supreme Court recently referred to our access to information laws as quasi-constitutional. That is what we are dealing with. That is the weight and import of the debate that we are having here today.

Clearly though, too many senior officials in Ottawa subscribe to the views of *Yes Minister's* Sir Humphrey who said to his boss, "You can have good government or you can have open government, but Mr. Prime Minister, you cannot have both". That seems to be the prevailing wisdom of the Liberal government today.

While transparency and accountability have been the buzzwords of the day in Ottawa, there are clearly many who resist them in practice. As I have learned in my exercise along these lines, very few government insiders are truly fans of the public's right to know. When members of the public submit requests for government information, too often these bureaucrats undermine the intent of the Access to Information Act by imposing unreasonable delays, performing inadequate searches, or charging prohibitive fees, and by opposing the expansion of the act as we have seen with the efforts of Mr. Bryden.

● (1145)

It is my greatest regret in my political life to date that I had it within my hands to change the access to information laws. I will back up a little. When John Bryden ceased being a member of Parliament, I adopted his bill and re-submitted it under my own name. In fact, it was the first private member's bill introduced in this Parliament, Bill C-201, a substantial overhaul of Canada's access to information laws.

Then, as fate and fortune would have it, my name was drawn in the private members' lottery and a bill in my name would be debated at a very early stage. I believe I was fourth in the order of precedence. Not only did I have this bill to which I was very committed listed in my name but my name came up in the order of precedence.

This would have been back in November 2004. We could have started debating that bill. It could have gone to committee where it could have been amended and improved, but there would have been more than ample time to actually put in place changes to the Access to Information Act. It would have changed the way we did business forever in this country.

There was widespread support. Not only did we have the support of all the opposition parties for that bill because of the work that John Bryden had done in the previous Parliament, but we also had the support of 40 or 50 courageous Liberal backbenchers who could not live with themselves if they did not support this initiative. We were well on our way to passing Bill C-201, having it become law and implementing it.

At that time the Liberal government, realizing the horse was out of the barn and this was going to become law, came to me and said it was going to do this anyway, that it was going to do it better and there was no stopping this idea whose time had come. The government said it would introduce everything that was in my bill and then some and if there was anything it forgot in the draft copy, I would have a role in making it at least as good as the one I proposed and maybe better. That was the government's commitment to me, that if I withdrew my bill, it would introduce a comparable bill which would go ahead.

That gave me the opportunity to choose another initiative to which I am dedicated, the bankruptcy bill. That was my choice for my private member's initiative. It was a tempting offer but, as I say, it became the biggest regret in my professional political life to date. Trusting the Liberals was the biggest single mistake that I have made in my political life to date because as we now know, in the fullness of time, they had no intention of introducing a bill.

Frankly, I do not blame the Minister of Justice. I think the Minister of Justice was sincere when he came to me and promised absolutely that there would be such legislation, but I think he underestimated the push back from the senior bureaucrats. I think he underestimated how much the Liberals actually opposed the idea of open government and freedom of information. I think he underestimated just how much the bureaucrats resist this type of thing.

Supply

Imagine if things had unfolded as planned. Many times in other speeches today we have heard people recognize the contribution that the Auditor General makes in keeping us on the straight and narrow. We rely heavily on the Office of the Auditor General to investigate and unearth misuse and maladministration of funds, not so much the actual malfeasance of the sponsorship scandal.

Imagine, instead of having one Auditor General that we had 30 million auditors general. That would be the effect of having true freedom of information laws, because every engaged citizen could play a role in keeping government honest. Government would not dare deviate from the straight and narrow because it would know it would be under the scrutiny of 30 million Canadians and a free press that would be able to analyze and assess the inner workings of government. Instead of one Auditor General we could have had 30 million auditors general and that would be good government.

Speaking of the role a free press plays in our efforts toward transparency and accountability, it would be wrong not to recognize the significance that the current Access to Information Act played in unearthing the sponsorship scandal, which will ultimately bring down the government in a few short days.

• (1150)

We should acknowledge that it was a simple access to information request that revealed the original scam, as it were, the fraud that was sponsorship scandal. It was in fact a *Globe and Mail* journalist, Daniel Leblanc, who originally filed that access to information request. Further requests were filed by people like Campbell Clark. I believe there were half a dozen journalists involved, including Brian Laghi and a number of other journalists. We should express our gratitude to them for helping keep government accountable.

All too often now when access to information requests are filed we get back a pile of blacked out pages. The information is incomplete. There is edited information. That information is rationed out to us as if we have to beg for it in the first place and then somebody else arbitrarily decides that the information will not be released.

The recommendations put forward in the bill that would have been law by now, Bill C-201, would have pretty much embraced the opposition motion that we are debating today. It would have allowed coverage of the act to all crown corporations. To me it is crazy that only about 60 of Canada's 246 crown agencies and corporations are subject to the Access to Information Act. I can get all the information I want on the Atlantic Pilotage Authority, but I cannot get any information on VIA Rail or Canada Post. The places that have billion dollar budgets are excluded. We have all seen what that can lead to.

Again, it is this culture of secrecy that allows corruption to flourish. VIA Rail and Canada Post were directly implicated in the sponsorship scandal. That is why their CEOs' heads had to roll. At the Royal Canadian Mint, people are getting fired right, left and centre because of their role. If we had had adequate access to information laws in place, we could have been spared not only the financial loss associated with the sponsorship scandal but all the grinding humiliation associated with it as well as the loss of the confidence of the Canadian public in our institutions.

Let me say again that amid an otherwise thin legislative agenda from this government, the single most important thing it could have done would have been a meaningful reform of access to information law.

Canada's information officer, John Reid, put this in one of his many presentations to Parliament. We should pause here to say that another champion of freedom of information is our current information officer, Mr. John Reid. We owe him a great debt of gratitude for having the courage to use his office to call upon government to do what is right. Government has to listen. In one of his appeals to Parliament, he said, "In one way or another, all the checks and balances designed to limit abuses of government power" are meaningless unless there is "access by outsiders to governments' insider information....A government, and a public service, which holds tight to a culture of secrecy is a government and public service ripe for abuse".

Truer words have never been spoken. We should acknowledge that Mr. Reid has put forward this substantial document and has brought it to the House of Commons Standing Committee on Access to Information, Privacy and Ethics as a recommendation for reform to the bill. It goes beyond what Bill C-201 was calling for. I am the first to admit that Bill C-201 was not perfect.

One of the key and fundamental points that Mr. Reid brings to the table is that if we are going to allow better access to government documents, we must make sure that those government documents do in fact exist. In other words, one of the points he brought forward under his idea and under his bill, the open government act, is that it would become an offence to fail to keep adequate records. The last thing we want to do is drive information underground so that the government can avoid an access to information request being filed. In other words, we need documentation.

• (1155)

We should hearken back to what Auditor General Sheila Fraser first said when she was commenting on the sponsorship scandal. What struck her first as they began their audit investigation was the "appalling lack of documentation". I believe those were the words she used.

There are two significant quotes of hers. One was that senior government officials "broke just about every rule in the book". Second only to that, and what rings true to me, is the phrase "appalling lack of documentation". People who do not want to be caught do not put anything in writing, so as we move forward with calling for amendments to this act, we must be cognizant of the fact that it has to be considered an offence to fail to record significant information.

I know that people who are more knowledgeable than I have dealt with this bill in great detail, but I have become a convert. In the time that I have spent studying this bill and working on the Standing Committee on Access to Information, Privacy and Ethics, of which I am a vice-chair, I have come to the conclusion that this is the single most important thing we can do.

Supply

By extension, Canada has a role to play in helping to clean up developing nations and democracies of the culture of corruption that holds those countries back. We also have to put our own backyard in order first before we have any credibility on the international stage. As we lend help and support to developing nations, we should first put together a transparency and accountability regime that we can be proud of and point to by example.

In actual fact, we have fallen in the international standard. I believe there is a chart kept by Transparency International, in which Canada enjoyed at one time the number four position in the world as being the most open government. We have fallen way behind. I believe Canada fell 16 positions after the sponsorship scandal was revealed.

The international community knows that there are transparency issues in this country. That has an effect on confidence, both investor confidence and the confidence of the electorate. There is a profound number of layers and levels to the benefits associated with genuine freedom of information and access to information.

It would take a combination of courage and self-confidence for this government to move forward with meaningful access to information amendments, but I can tell members that the benefits we would reap would be immeasurable. Not only is there the finding and revealing of evidence of corruption that may from time to time take place, there is also just the simple maladministration or abuse of funds. That may not be criminal, but revealing it may in fact be a cost saving measure. Many of these issues that could be revealed by tighter scrutiny would be an ultimate cost saving.

The strengthening of the health and well-being of our democracy would be one of those less tangible benefits that we could all enjoy. Restoring the trust of a jaded electorate is one of those benefits that is difficult to measure.

As Mr. Bryden dedicated much of his career to this issue and champions such as John Reid are calling upon Parliament to address this issue without haste, it is fitting that in the twilight days of the 38th Parliament the House of Commons should be seized with this important and compelling issue.

I wish there were more Liberal members present to take note of the appeals made by the majority of the members of the House of Commons today. I can only hope that this issue will resonate from this day forward into the next Parliament. Perhaps the first bill introduced in the next Parliament will also be comprehensive reform of the Access to Information Act. It could end up being the most significant and lasting legacy of this or subsequent Parliaments.

● (1200)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I certainly like the member's analogy of the sunshine; it is certainly the best disinfectant I know of as well.

The member may also be interested to know that I did communicate with Mr. Bryden during the member's speech to let him know that the member who is championing Mr. Bryden's bill was speaking and he could tune into CPAC and watch. Members may be interested to know that he said he unfortunately could not watch the debate because, as he said, incredible though it may seem,

"I am still on antenna". He does not get cable. I suggested to him that he should go to the web and watch the simulcast on CPAC.

I have a very simple question for the member, because I know how active he has been on this at the ad hoc committee that John started with us, as well as on his advocacy with regard to Bill C-201. With regard to the exemptions, the overrides, the confidentiality and the concept of public interest, since the member has worked so hard on this, could he help the House understand the extent to which serious consideration must be given to legitimate exemptions because of the necessity for confidentiality, privacy or national interest? At what point do we cross the line such that the public interest becomes a greater priority for parliamentarians?

Mr. Pat Martin: Mr. Speaker, in response to the first part of the member's comment, I am wondering if later today in the opposition and Liberal lobbies we could pass the hat for Mr. Bryden and take up a collection so that he too may join in the great cable network that enlightens the land. Perhaps he does not subscribe to cable by choice, though, and maybe it is just as well to turn CPAC off from time to time.

My colleague's question is a fair and legitimate question. Nobody should underestimate how complex the issue of freedom of information is, because by its very definition it treads upon other rights that we enjoy. We very much treasure our right to privacy, and someone else's right to know may trample on my right to be private. Those are issues that we certainly have to address.

The Information Commissioner himself may be the adjudicating party that rules on whether an access to information request is legitimate. On issues of national security, there should be no question. Issues that are commercially sensitive must be recognized as well. In other words, Canada Post should not be excluded in its entirety from access to information laws, but perhaps in regard to the aspect of its business that deals with competition in the courier delivery service, it would not be fair for its direct competition to have access to confidential commercial information.

● (1205)

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, my question to the hon. member opposite revolves around the phony assertion by the justice minister that there is some sense of urgency to do something about access to information reforms.

I want to draw a parallel to another issue that is very important to the member across the way: the whistleblower legislation. Of course we saw that whistleblower legislation came about only after the Auditor General's scathing report and the prospect of a spring election just over a year ago. Nothing had been done for the better part of a decade to protect or reward whistleblowers and then suddenly there was a sense of urgency, but it took a looming election and a hand caught in the cookie jar for it to come about.

Supply

Now we see a very similar phony concept of a sense of urgency. I am interested in the hon. member's opinion on whether we see this sense of urgency only because the Liberal government could be staring at an election in the very near future and is concerned about what it would look like to go to the public if it were not supporting the public's right to participate in holding the government accountable through ATI.

Mr. Pat Martin: Mr. Speaker, I think everyone here recognizes that the federal election has pretty much started already. Everyone is out of the starting gate. The starting pistol has been fired. We are seeing the Liberal government enjoying a multiple conversion on the road to Damascus regarding tax cuts, regarding virtually everything that is good and decent within a democracy.

I am concerned that should another party form the government in a minority or a majority, will the commitment to access to information follow from opposition status to government? No ruling government seems willing to accept the true scrutiny that comes from true transparency and accountability.

I am not questioning how sincere my colleagues in opposition are about this, but the government certainly was unwilling to introduce true accountability and transparency.

[*Translation*]

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Mr. Speaker, I like having official government documents to tie into. Yesterday, we received and heard the Minister of Finance's economic statement. On page 13 of the "Plan for Growth and Prosperity" under the heading "Building the Right Investment Environment" and the sub-heading "Driving Greater Productivity in Government" the minister says:

Getting government right is an important part of building the right environment for investment. The government must constantly strive to make its programs and services as efficient and cost-effective as possible.

He goes on—and this is of special interest in connection with this morning's topic:

It must also maintain the highest possible ethical standards and ensure that its operations are carried out in ways that enable Canadians to clearly see and assess what our government is doing and why.

I have a very simple question for my colleague from Winnipeg Centre, whom I thank for his speech. Does the hon. member not feel that, if the government were consistent, it would without hesitation come on side on the need for a thorough revamping of the Access to Information Act?

[*English*]

Mr. Pat Martin: Mr. Speaker, I think many Canadians are wondering about the disconnect between what the government says and what it actually does. The day of reckoning has arrived where we are starting to blow the whistle, as it were, on that disconnect.

We want to see the government members walk the talk about transparency and accountability. As recently as yesterday we heard the Minister of Finance again feature the government as being open and transparent, but yet introducing an economic update that is mind numbing in its complexity and it is incomprehensible to any observer. If this addiction to secrecy cannot be dealt with, then Canadians will demand better and a higher standard.

We have been waiting for over a decade. We have been waiting for 13 years. My colleague, the member for Cape Breton—Canso, pointed out that the Pope recently issued an apology to a group in Greece for an affront that occurred in the year 1260. By that standard we are not really waiting all that long. Thirteen years perhaps is not all that long to wait, but by the standards of what Canadians are used to, we have waited long enough. Whether it is this government that comes back in a minority situation again or a new party that forms the next government, this should be the first bill on a new legislative agenda, amending the Access to Information Act.

• (1210)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the hon. member mentioned at one point both the confidence of Canadians and our international partners in this democracy to function when we have things like the sponsorship scandal and a government still dragging its feet after more than a decade and unwilling to actually bring forward true transparency.

On the economic front, I have mentioned the Ridley terminal sale in British Columbia that has been mired in controversy and a lack of transparency in what the government is actually doing. It is a federal crown corporation worth \$255 million that the government is trying to sell for \$3 million and change which raises a lot of eyebrows in my region.

I am wondering if the member could comment on the impact of a government that holds its secret information so closely to its chest in terms of economic development that a lot of regions in our country depend upon.

Mr. Pat Martin: Mr. Speaker, I believe the secrecy has translated into lost opportunity on more than one level; first, the administration and control over our crown public assets; and, second, the lack of confidence in investors. For example, we do not know if \$3 million is the best possible price we can get for an asset that is worth hundreds of millions of dollars. It would be useful to shine the light of day, shine some sunlight, on that particular deal. It is a good graphic illustration where freedom of information and the right to know may have a material benefit for Canadians.

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, I will be sharing my time with the member for Macleod.

Today's motion deals with an important matter dealing with reforms to the Access to Information Act. Specifically, it calls for amendments to the act to expand coverage to include all crown corporations, all officers of Parliament, all foundations and, indeed, any organization that spends taxpayers' dollars or performs public functions.

It further calls on public officials to create the records necessary to document their actions and decisions. Moreover, it seeks a general public interest override for any exemptions, so that public interest comes before the secrecy of government.

A plethora of waste and mismanagement scandals involving the federal government and its branches, from the sponsorship scandal, the Dingwall affair, the HRSDC boondoggle and the gun registry fiasco have severely diminished public confidence in the integrity of our public institutions.

Supply

Many have suggested that a culture of secrecy and entitlement is now prevalent within the federal government and that this has resulted in a system much more prone to abuses of the public purse.

To restore the public's confidence in the system, we must take action to strengthen the transparency and accountability of the mechanisms of our federal government and ensure the manner in which hard-earned taxpayer money is spent is always in the public interest. Indeed, as a 2003 *National Post* editorial noted, the "right to access information about one's government is integral to the functioning of a true democracy".

To ensure that would necessitate a series of actions, chief among them are substantial reforms to the Access to Information Act. This issue is of notable interest to Canadians and the amendments that the motion calls for are extremely important.

Many observers, including Democracy Watch's Duff Conacher, have stated that without serious changes to the act, the Canadian public "will not have the easy access to government information it has a clear, democratic right to".

Over 20 years ago the House passed the Access to Information Act. The act was intended to permit individual Canadians the ability to request and obtain information about the operations of their federal government. Using the act, any Canadian has the power to find out, for instance, how much money the government has spent on a program or department or what reasoning was behind an action. Members of Parliament, myself included, have used the act to discover, so to speak, what the government is doing behind the scenes.

In sum, the access to information permitted by the legislation is an important way of ensuring government accountability. The act has assisted in bolstering transparency in the federal government since its introduction in 1983. Indeed, Probe International called it "one of the few effective tools available to Canadian citizens that allow them to find out what they want to know about government actions, rather than what the government wants them to know.

However, throughout the years many shortcomings have become apparent. One major problem that many have identified is the fact that the act exempts a significant number of crown corporations and quasi-government organizations from its scope "for no good policy reason", as that earlier *National Post* editorial also stated.

Currently, these agencies like EDC and Canada Post are protected from undergoing the same scrutiny that other government departments face. Even though many of them have politically appointed presidents and even though many of them have been involved in the plethora of recent spending scandals, they are not accountable to the same extent. That means Canadians, for instance, in rural communities are barred from finding out why, for example, Canada Post has closed its local post offices in rural communities. This is in spite of the fact that Canada Post and the other exempted crown corporations are taxpayer funded and have an effect on the lives of a large majority of people throughout the country.

•(1215)

Many feel that this veil of secrecy over these important government operations is simply unacceptable and deeply troubling. For instance, Probe International, a Canadian NGO that works to

hold government agencies accountable, recently stated that "over the past 15 years agencies of the Canadian government have become more secretive" and chided the government's "excessive and unreasonable use of the Access to Information Act (and agencies' exclusion from it) to withhold information, the disclosure of which would help save taxpayers' money, inform the public of government actions in their name, stop environmental destruction, protect the human rights of innocent citizens abroad, and save lives".

Most reasonable Canadians would agree with the notion that no government agency or public servant should be able to avoid public scrutiny and responsibility for the way they spend taxpayer dollars or operate. Yet today this veil of secrecy allows selected crown corporations and quasi-government organizations to do just that. They circumvent full accountability and transparency on everything from directives that shape their decision-making to entertainment expenses.

Even though the current government has talked extensively about significant reform to the act, it has continued to hold up important changes to the legislation. As far back as 1994, then justice minister Allan Rock promised to strengthen the access law. However, according to noted democratic reform advocate Duff Conacher, "for the past 11 years the Liberals have successfully delayed this action through distraction".

Many, like access to information advocate Ken Rubin, are questioning the government's commitment to reform at all. Recently, Rubin stated that instead of bringing forward the necessary reforms, the current government, specifically the justice minister, is committed to a pro-secrecy and stale line of thinking on the need for long overdue changes to the Access to Information Act. He added that, "Undoubtedly, the Liberals...would be relieved and would want if they got a majority (following an upcoming election) to regain control of the House access committee...and its future access legislative agenda".

Fortunately for Canadian taxpayers, that is not going to happen. Conservative members of Parliament will not cease in their demands for greater transparency and accountability. Why? As former member of Parliament John Bryden stated, experience has shown that "legislated transparency of government institutions does increase efficiency. The bureaucrats may not like it, but public accountability makes good governance".

Should the Conservatives receive the distinct honour of being chosen by Canadians to govern this country, the first act of a Conservative government would be to introduce a federal accountability act. This legislation would put into place all the provisions we are calling on the federal government to introduce in this motion among other measures aimed at ending the culture of entitlement that many feel has thrived under the current government.

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Consequently, I strongly endorse today's motion and its aim of renewing faith in the mechanisms of the federal government, replacing the culture of entitlement with a culture of accountability.

• (1220)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the motion before the House is fairly sweeping and covers all crown corporations, officers of Parliament, foundations and all organizations that spend taxpayers' dollars or perform public functions.

I wonder if the member would care to comment on members of Parliament, understanding that there are obviously some privacy matters et cetera, and that MPs are not subject to the Access to Information Act, particularly with regard to their spending, other than general disclosures that have been agreed upon. If there is a true commitment, would the member comment on whether the documents with regard to the activities of a member of Parliament should also be subject to the same scrutiny?

Mrs. Lynne Yelich: Mr. Speaker, that is a really good question because we are under scrutiny all the time. We have a disclosure form now that I filled out recently. I could not believe how much information I had to give to the public. My personal expenses and my personal life are out on the Internet for anybody to see or they could just go down to the office and go through that information. As for my offices and my staff, that is also public information and anyone at any time can easily access that information.

Therefore I do not feel we are in need of the same laws because the problem was the people making the decisions and having control of the money. I do not agree that members of Parliament have to fall under the same legislation but I do believe we are being watched very closely. We are being scrutinized, if not by the people who are out watching how we are spending our money, at least by the people at home, our constituents. It does not matter what I do, I always seem to have somebody questioning something about perhaps my office or what the wages are. We are very open so I do not think we are talking about the same thing in this motion.

Mr. Paul Szabo: Mr. Speaker, one of the terms used in the motion today is public interest and it is used in the context where it provides a general public interest override for all exemptions in that the public interest should come before the secrecy of government.

It would appear, based on the motion, that, for instance, the military or CSIS might be covered. In fact, the Ethics Commissioner, who reports to the House and who is an officer of Parliament, would be covered by this expanded coverage. I wonder if the member would care to enlighten the House about what she understands to be public interest, for instance, the Ethics Commissioner who reports to Parliament and deals with matters of certain sensitivities and investigations, whether or not there are exemptions there that she would consider to override the public interest.

• (1225)

Mrs. Lynne Yelich: Mr. Speaker, it is always a problem in any legislation to define public interest. I think we can go into any department and any minister's portfolio and sometimes those who think they are protecting the public interest are being lax and there are those also who sometimes are perhaps going too far to protect the public interest.

It is definitely a difficult term to define. I do agree that we would have to be very careful in defining it to ensure we do not jeopardize, in particular, our soldiers as was mentioned. I think there are probably times that it has to be defined or exemptions perhaps have to be made, and this motion does give us some direction.

We do, first and foremost, need to have the public interest in mind and many times some of the decisions that are made are not in the best interest of the public. However, on military and CSIS decisions we should be able to determine what is in the public interest. At least we have an opportunity with this motion to know what is in the best public interest. In situations such as the spending, one of the areas where we were going with this motion, is that the public interest has not been taken into account.

Mr. Ted Menzies (MacLeod, CPC): Mr. Speaker, I want to begin my remarks today with a truth that is very self-evident: the Liberal Party cannot be trusted to clean up its mess of corruption and scandal. Only a Conservative government, under the leadership of the hon. member for Calgary—Southwest, has the integrity and the plan to show Canadians that good government is still possible.

The legacy of 12 years of Liberal government will not just be the smear on the party of the sponsorship scandal. The sad truth is that all parliamentarians and holders of public office at all levels are now viewed by Canadians with such disdain and cynicism that it will take a very long time to regain their trust and respect. That is why I am proud to rise today to speak to the motion introduced by the member for Regina—Lumsden—Lake Centre.

In order to take the first steps forward toward regaining the trust of Canadians, the Conservative government is committed to introducing the federal accountability act. Everyone will notice I used the words "Conservative government" because I am optimistic about what will happen in the coming year.

There are two very important parts of this initiative that I would like to speak to today. The need for an open flow of information to Canadians can be secured by establishing a parliamentary budget office and the immediate need to provide Canadians strong, more transparent auditing and accountability laws for the federal government.

First, I would like to address the need to ensure truth in budgeting with a parliamentary budget office: create an independent parliamentary budget office to provide objective analysis directly to Parliament about the state of the nation's finances and trends in the national economy; require government departments and agencies, including the Department of Finance, the Canada Revenue Agency and Statistics Canada, to provide accurate, timely information to the parliamentary budget office to ensure it has the information it needs to provide accurate analysis to Parliament; and ensure that government fiscal forecasts are updated quarterly and that they provide complete data for both revenue and spending forecasts.

Yesterday's shameful display of financial pretzel making was the ultimate example of how the Liberal government secretly gerrymanders the nation's finances.

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Less than a year ago the Minister of Finance was crying poor. The cupboard was bare and every Canadian would just have to wait until the fiscal picture got better for any tax relief or increased investments in productivity and competitiveness. It turns out that all Canadians had to wait for was a dip in the Liberal polling numbers, as well as the release of the damning Gomery report.

Along comes the member for Wascana, a man, by the way, who was once the minister of agriculture and responsible for the Canadian Wheat Board and, I understand, represents a good number of farmers in southern Saskatchewan. He is a man who spent years telling Canadian farmers across the country that he would solve their problems and finally create a federal strategy for agriculture and agrifood, as well as for rural communities.

Yesterday's mini-budget was a perfect opportunity to make good on his commitments to agriculture. Farm incomes are at an all time low and producer groups from across the country have been beating a path to the minister's door asking for a real strategy to support Canada's farmers.

I was a grain producer for 30 years and it breaks my heart to hear that my neighbours are stretched to the breaking point, trying to decide if they can afford to pay their bills. No farmer wants to be paid a salary from the federal government to farm. All they want is to be able to make an honest living selling their products on the open market on a level playing field.

• (1230)

I am proud to say that the Conservative Party has been a loud supporter of Canada's farm and agrifood industries here at home and around the world. For example, I travelled to southwestern Ontario last week with my colleague from Selkirk—Interlake and the member for Essex to speak with Canadian corn producers, greenhouse growers and dairy producers. These producers told us of how U.S. farm subsidies were killing their markets. Grain buyers in Canada are filling facilities with U.S. corn and not allowing for delivery of Canadian corn. Harvest is not complete as a result and, as members have noticed, it is now snowing out there. There is no space for their corn. This is just the beginning of the concerns in the farm community.

How is it that the Liberal finance minister can announce a sizable surplus but no commitment to farmers is ever a priority for that party? That is why we need a parliamentary budget office. Canadians clearly cannot trust the government to tell the truth. By giving Canadians a real financial picture we will allow all sides to craft real and effective results.

We also need to designate the deputy minister of each government department or agency as the accounting officer for that department. The deputy would be responsible to Parliament for the departmental spending and administrative practices of his or her department. It would also require that in the event of a disagreement between a minister and deputy minister on a matter of administration, the minister must provide written instruction to the deputy minister and notify the Auditor General and Comptroller General of this disagreement.

This initiative will be an important element of a Conservative government's pledge to Canadians to treat their hard-earned tax dollars with respect.

By opening up the access to information laws to all government departments, agencies and crown corporations, Canadians could be confident that their money is not being wasted, is going where it is intended and is achieving the goals that Canadians deserve.

For example, earlier this year there were calls for a farm income aid package of at least \$1.9 billion a year for three years to support Canadian producers as they face crippling foreign subsidies and artificially low commodity prices. The minister ended up announcing \$1 billion, slightly more than half of what was requested from the industry. None of this money has even flowed to the farmers yet. Strong transparency and accountability laws would allow Canadians to know why the money is collecting dust in Ottawa instead of helping them to get on with business.

In media interviews and to anyone who would listen to him, the Liberal House leader threatened that a BSE package would be lost if an election were called. How arrogant do the Liberals have to be to blame the opposition for the Liberals' foot-dragging on farm aid programs? Canadian beef producers have been struggling to deal with the BSE crisis for over two years. Where was the government? Why is it only acting now?

The government has had 12 years to create and deliver comprehensive rural and farm programs. The legacy is clear. The APF, the agriculture policy framework, is a disaster. The CAIS program is unworkable and farm incomes continue to fall. Rural communities are suffering massive out-flux and these hard-working Canadians are being told they do not count in the Liberal world.

That is why opening up access to information laws to all government departments, agencies and crown corporations is so important. Canadians can be confident that their money is not being wasted, that it is going to where it is intended and that it is achieving those goals. After 12 years the Liberal government has perfected the slippery game of hide the money. Farmers are the ones paying the price.

In response to yesterday's budget, Bob Friesen the president of the CFA, said:

The last three years of Realized Net Incomes of farmers have been the lowest in recorded history and it is incomprehensible that the federal government has abandoned rural Canada and not supported Canadian farm families at this time.

• (1235)

Along with my colleagues on this side of the House, we pledge to Canadians that the Conservative Party will not allow their tax dollars to be collected without thoughtful reason. We pledge that once collected they will be spent with care and efficiency. We pledge to tell them how, where and why they are being spent.

Supply

Canadians can take this pledge and this motion to the bank. If Canadians are unsatisfied with what we tell them, they will have full and free access to the information regarding how federal policies and programs are handled.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague for his comments and his remarks. In reading the motion put forward by the Conservative Party, it gives me a sense of hope that we may be able to smash down the barrier put up by 13 years of Liberal obstinance and stubbornness on the issue of access to information.

Would the member give us an indication if his sentiments are shared by his entire caucus and the leadership of his party? We are at the death rattle of the government and we will witness a new government being formed. If a new government is put in place in the coming days, is the member able to commit to us that his government will put in place meaningful access to information reform as the number one priority item in a new regime of a new Conservative minority government?

• (1240)

Mr. Ted Menzies: Mr. Speaker, I like the direction in which the question is headed. I tend to agree with the member that it is absolutely time for a new government.

Let me assure the hon. member that every one of my colleagues to whom I have spoken speaks only with great disgust when they look across the floor and see what has happened with the lack of accountability. Everyone in my party is determined and committed that there needs to be a process put in place, such as the one put forward in this motion, that will bring back the relevance of elected officials. We are accountable to those who elect us.

We believe we are not able to take taxpayer dollars and do whatever we want with them, to put them back into party coffers and spend them on buying boats. That will not be the culture of this party. The Conservative Party will be accountable to the electorate.

[*Translation*]

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I would like to put a question to the Conservative member. One of the major proposals made by the Bloc Québécois is to have the Access to Information Act based on an effective whistleblower protection system to ensure that information released is not restricted by political considerations. I think this is a very important element.

Something we learned in the context of the sponsorship program, which I consider fundamental, is that a number of communications agencies that no doubt received grants or sums of money were not necessarily uncovered by previous inquiries.

People are afraid to speak up. These agencies were receiving contracts and are afraid of not getting any more from the federal government for communications or advertising. So, not all the information comes out in a scandal like the sponsorship scandal. It would seem that people are afraid, for political considerations, of losing contracts if they say something.

So, how would a Conservative government resolve this situation?

[*English*]

Mr. Ted Menzies: Mr. Speaker, it is fundamental that those who are willing to step forward are able to do so. We have seen recently where that has seriously impacted one individual's life. That would be the individual who took a step forward, knowing full well that he was not protected at that time. He paid the price for doing so. That individual needs to be recognized and rewarded rather than penalized for blowing the whistle on what he recognized as inappropriate use of taxpayer money. We need good solid legislation in place. That would be one of the initiatives a new Conservative government would put forward, as most bills will soon die on the order paper.

The Conservative Party suggests that this protection is needed to ensure that there is accountability for any government that is in place. We would be very supportive of that type of legislation.

Hon. Navdeep Bains (Parliamentary Secretary to the Prime Minister, Lib.): Mr. Speaker, I will be splitting my time with the hon. member for Notre-Dame-de-Grâce—Lachine.

Today's discussion is with respect to the opposition motion regarding reforms to cabinet confidences in the Access to Information Act and the Canada Evidence Act. By motion, the member for Regina—Lumsden—Lake Centre stated that in his opinion, the Access to Information Act should be amended to, among other things, establish a cabinet confidence exclusion subject to review by the Information Commissioner, provide a general public interest override for all exemptions and make all exemptions discretionary and subject to an injury test.

I will be voting against the motion, but I am pleased to have the opportunity to speak to certain elements of the proposals set out by the member for Regina—Lumsden—Lake Centre.

On April 5, the Minister of Justice presented a discussion paper on the subject of access reform to the Standing Committee on Access to Information, Privacy and Ethics. In his opening remarks, relating to the issue of cabinet confidences, the Minister of Justice noted that it was an item “where current protections in the Access to Information Act have been the subject of much criticism and dramatic reform proposals”. A discussion paper provides useful background that should be considered carefully before proposing reforms to the cabinet confidence regime.

The pressure to reform the cabinet confidence regime by making them subject to the ATIA flows in part from the fact that neither the Information Commissioner nor the courts may examine a record request under ATIA in order to determine whether or not the government has properly identified the document as cabinet confidence as defined by ATIA.

The federal government's approach to the protection of cabinet confidences is unique. In the provinces and other Westminster-type jurisdictions, the law on cabinet confidence protection provides for reviewability and balancing by the courts and administrative tribunals, and in some cases for the examination of withheld information.

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Both the Information Commissioner and the access to information review task force have recommended that cabinet confidences no longer be excluded from the Access to Information Act. Instead, they recommend that documents be subject to a mandatory exemption under the act.

While the Information Commissioner proposes that he should have the power to examine a withheld record to ascertain whether or not it is in fact a cabinet confidence, the task force recommended that only a judge of the federal court be empowered to make such determinations.

The Information Commissioner and the task force also advocate narrowing the scope of the cabinet confidence by confining it to the information which would reveal the deliberations of cabinet or among ministers and by reducing the maximum period of protection from disclosure of 20 to 15 years.

At this time, the government is also reviewing the proposed legislation of the Office of the Information Commissioner, entitled the open government act, which appears to reflect most of the elements of the motion which has been brought forth by the member for Regina—Lumsden—Lake Centre.

The importance of confidentiality for the inner workings of government at cabinet level has been widely recognized by Parliament and the courts. Indeed, the convention of cabinet confidentiality was expressly recognizing Canada at the time of change that was headed by the Right Hon. St. Laurent to the time period of the Right Hon. Diefenbaker in 1957. Furthermore, in its 2002 decision in *Babcock*, the Supreme Court of Canada referred to cabinet confidentiality as essential to good government.

The cabinet confidence exclusion was designed to protect key political functions of the executive, long recognized as essential components of our Westminster-style of parliamentary democracy. Collective decision making by ministers in cabinet ensures the solidarity of the government as a collective body which is responsible to Parliament. It also requires that the cabinet speak with one voice. Thus, if ministers are able to make decisions collectively, the privacy of their deliberations on government policy must be protected.

During the April 5 appearance before the committee, the Minister of Justice stated that the status quo was not an option by the government and that it was committed to substantial reform of both the Access to Information Act and the Canada Evidence Act. The government believes that any reform to the federal cabinet confidence regime must start with CEA and follow with consequential amendments to Access to Information Act and to the Privacy Act.

•(1245)

The government's April 2005 proposals included narrowing the definition in the CEA, as well as in the ATIA and PA, to focus on core deliberations of cabinet. Currently, these acts do not define cabinet confidences but provide a list of examples.

The legislation in most provinces focuses on protecting the substance of cabinet deliberations, which we believe is the better approach.

The definition would continue to cover only information such as submissions made to cabinet, deliberations between ministers, cabinet decisions and draft legislation. This would allow more documents formerly considered as cabinet confidences to be brought under the acts, subject to other exemptions that might apply. For example, agendas of cabinet could be disclosed, unless they revealed the substance of deliberations of cabinet. Furthermore, the government agreed with the task force that the Federal Court should be able to review the Clerk's decisions whether a record was of cabinet confidence.

The Canada Evidence Act provides a judicial review by the Federal Court to hear challenges to the Clerk's decision to issue a certificate by weighing the public interests at stake, public interest disclosure and parallel regimes for Access to Information Act and Privacy Act, but without public interest balancing.

By allowing reviewability by designated judges of the Federal Court, it would give this specific forum the opportunity to build expertise and to ensure a consistent approach.

With respect to the period of protection, the government believed that it should remain at 20 years, based on the following. In other jurisdictions, namely, at the provincial level, the period of protection varies between 15 to 30 years. In British Columbia, the Northwest Territories, Nunavut, Yukon, Nova Scotia it is 15 years. In Ontario it is 20 years. In Quebec and Saskatchewan it is 25 years. In Manitoba it is 30 years. In the United Kingdom the period is 35 years.

The government also proposed to maintain the exclusion of cabinet confidences from the Access to Information Act and CEA. Exclusion means that unless it is overturned by a court, a decision that is a record is considered cabinet confidence is final.

The Information Commissioner cannot examine the record to determine whether he agrees with the decision. The Information Commissioner would, however, have the power to go to the Federal Court to challenge the determinations made by the government that information falls within a definition of cabinet confidence.

As secretary to the cabinet, the Clerk is best placed to determine what information constitutes a cabinet confidence. He or she has institutional knowledge. The Information Commissioner does not possess the same institutional support or expertise.

The Clerk is the custodian of cabinet papers. The convention of access to papers of former ministers, which is based on British precedent and practice, appoints him or her as such. Based on this convention, the Clerk has a duty to ensure that a new ministry does not have access to the cabinet papers of the preceding one. Under this convention, members of incoming ministry agree not to have access to the confidential documents and papers of preceding ministers. These agreements are signed by the incoming and outgoing prime ministers.

By qualifying cabinet confidences as exclusions as opposed to exemptions, Parliament clearly has recognized the importance of the principle of cabinet confidentiality. If the Information Commissioner is of the view that the Clerk has not properly decided that something is a cabinet confidence, the Information Commissioner can go before the Federal Court. The proposal would make this clear in a way that was not the case before.

As I said earlier, the government believed that the proposals it put forward in its April 2005 discussion paper would enhance transparency while safeguarding principle of cabinet confidentiality.

As we know, the Information Commissioner has proposed reforms to the cabinet confidence regime consistent with the motion of the member who brought this forward today. The Information Commissioner would make cabinet confidence subject to the act. Although they would be protected from disclosure by mandatory exemption, it would be possible to override this protection against disclosure in the public interest. This means that any cabinet confidence could be disclosed if it were in the public interest to do so.

• (1250)

In addition to cabinet confidences, the act requires consequential amendments to the Canada Evidence Act, the Privacy Act and other statutes that refer to confidences of cabinet. These necessary amendments have not been considered by either the member for Regina—Lumsden—Lake Centre or the Information Commissioner. This may seem like a small point but it underlines why the motion of the member for Regina—Lumsden—Lake Centre cannot be accepted.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I listened to the speech by the parliamentary secretary. Now that we have the official party line from my colleague, what does he really think? I would like to know what his gut feelings are about the freedom of information laws as they affect the larger picture of the health of our democracy.

I did not hear a lot of passion in his comments. They were more technical answers to the specific language in the motion put forward by the Conservative Party. I am wondering if the member shares the passion of other members of Parliament as they spoke about how critically important and vital freedom of information is to the health and well-being of our democratic system and how the paucity of freedom of information has led to the culture of secrecy that has allowed corruption to flourish.

I would like to hear from my colleague in his own words if he shares our view that the single most important thing we could do in these twilight days of the 38th Parliament would be to reform the access to information laws completely so that freedom of information, transparency and accountability are no longer buzzwords in Ottawa, but in actual fact are practised.

• (1255)

Hon. Navdeep Bains: Mr. Speaker, the fact that I was very calm with my remarks does not mean that I lack passion or interest in this very important topic.

There is no doubt in my mind that freedom of information is a key pillar of our democracy and is a key pillar of how our government functions. We have a responsibility to recognize the openness of

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government but also to recognize the confidentiality elements of it with respect to the function of the executive branch of government. The discussion paper brought forth by the justice minister clearly outlines the various components of this very complex subject matter. It also takes into account the notion that we need to consult and further address these issues with very important stakeholders who have a vested interest to make sure that a decision we make is in the best interests of Canadians.

I might not speak loudly or use body language such as flailing my hands up and down, but that does not mean I lack passion for this very important subject. Clearly, freedom of information and access to information are very important components of our democracy. They are things which the government champions very clearly and it has made major reforms.

We all acknowledge that the status quo is no longer acceptable. We are all working toward those changes, but we are doing so in a more professional manner and in a manner that reflects proper public consultation to make sure that we make the best decisions for Canadians.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I have a comment and a question for my colleague.

Does he not find it a bit odd that the point of the debate today—as he knows—and what the Conservative motion seeks, is to use the Information Commissioner's bill? The hon. member is a member of our committee. Our committee had asked the commissioner to introduce a bill. It is a new committee, formed during this Parliament. When we first looked at this issue, we discovered Bill C-201, which was introduced during the last Parliament by a Liberal member and almost entirely re-introduced by our colleague from Winnipeg Centre. It was adopted with a few changes by the information commissioner.

Does my colleague not find it a bit odd that the Minister of Justice, who had even promised the hon. member for Winnipeg Centre that he would introduce a bill, decided to submit a framework for action instead? Does he agree with me that this was nothing more than a diversion by the Minister of Justice? Is he doing this to continue to allow crown corporations tainted by the sponsorship scandal—Canada Post, Via Rail and others—not to be subject to the Access to Information Act? Does he not find it a bit odd that the Minister of Justice did not take advantage of this to be more transparent and to bring forward a bill instead of a framework for action?

[*English*]

Hon. Navdeep Bains: Mr. Speaker, I understand the concerns brought forth by the member. The member sits in committee with me and we have had the opportunity to examine this issue in great detail. The member would have to agree that during our consultations with the Minister of Justice and other individuals who came before the committee, including the Information Commissioner, as we started to discuss the complexities of this particular subject matter, we saw the need to further investigate certain elements of it. I think he should have an appreciation for that. It is very important that we acknowledge that.

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The discussion paper for me is not something we should take lightly. It is a very important part of the evolution of this important element we are discussing with regard to access to information and making sure that we bring about proper reforms.

I believe, as the member does, that we all want the same things. We want openness, transparency and accountability. We want to make sure it is done in a fashion that respects the laws and makes sure that cabinet can function and that we can govern in a fashion that is in the best interests of Canadians.

We cannot ignore the complexity of this issue. We need to be mindful of that. My remarks reflected on cabinet confidentiality and the components brought forth by the Information Commissioner and some of the concerns and reservations I had. I just outlined those and I hope that he takes them into account when we eventually vote on the motion.

• (1300)

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I thank my colleague, the Parliamentary Secretary to the Prime Minister, for agreeing to share his time with me.

[*English*]

I will be voting against this motion which has been presented by the member for Regina—Lumsden—Lake Centre. Part of the reason is I find it is problematic and that it is precipitous of a proper process of discussion and consultation.

His motion proposes certain amendments to the Access to Information Act. We have heard members on both sides of the House, in particular the Bloc member who just asked a question of the parliamentary secretary, say that this motion virtually mirrors suggestions that were made by the Information Commissioner in the proposed legislation he brought forth at the request of the access committee.

Specifically, I intend to address the proposal that a general public interest override be provided for all exemptions in the act and the proposal that all exemptions be made discretionary and subject to an injury test. Those are exactly the recommendations that the Information Commissioner provided to the access committee in his proposed amendments to the Access to Information Act.

Indirectly, the member for Regina—Lumsden—Lake Centre undoubtedly raises the issue of reform to the Access to Information Act in general. I will not bother to give background information. Everyone knows the Minister of Justice tabled a discussion paper before the Standing Committee on Access to Information, Privacy and Ethics. Everyone knows there were previous private members' bills. One had been tabled by a former Liberal member, which was then taken up by the NDP member of Parliament for Winnipeg Centre. His bill virtually mirrored the private member's bill that had been tabled by John Bryden when he was a Liberal member of Parliament. The Minister of Justice had committed to bring forth real reform to the access to information legislation. We all know that.

The question is, what is the nature of this particular motion? As I have said and as has been admitted by members of the opposition, it

virtually mirrors the proposed amendments that the Information Commissioner brought before the access committee at the request of the access committee. I am a member of that committee.

The Access to Information Act states clearly that Canadians should have a right of access to government records "in accordance with the principles that...necessary exceptions to the right of access should be limited and specific". The Access to Information Act in fact contains 12 exemptions. Let us look at what the nature of these exemptions are. Because the member's motion would make all exemptions discretionary and subject to an injury test, it is important for members to know what the act actually says now.

The act contains 12 exemptions. It also provides that certain records are indeed excluded from its reach. These excluded records, as we heard from the Parliamentary Secretary to the Prime Minister, include material that is publicly available and cabinet confidences. Of the 12 exemptions, currently eight are already discretionary. Two of the 12 exemptions are mandatory but the two that are mandatory allow for discretion in certain circumstances.

For example, the exemption that protects information given to the Canadian government in confidence by the government of another country is mandatory. I think there would be, or should be, little disagreement among Canadians and members in the House that Canada has an obligation to take great care with regard to confidential information that belongs to other governments and that was provided under the seal of confidentiality to our government. However, this exemption also provides for discretion where the foreign government consents to the release of its own information. This is good sense.

• (1305)

Another one of the 12 exemptions is also mandatory, but it already provides for a public interest override.

The point I am trying to make in going through these 12 exemptions is that, were one simply to keep oneself to the actual motion that has been provided, one would go away from reading that motion with the impression that under the current access to information legislation all of the exemptions are mandatory, that there is no discretion with any of those mandatory exemptions. That is not the case.

To come back to my point, there is also the issue of one of the 12 exemptions which has a public interest override. That, for instance, refers to the exemption that protects confidential commercial information given to the government by a third party. Here again there should be no argument. There is no doubt that the government again has to be extremely careful with the confidential commercial information that belongs to a corporation.

At the same time, this exemption already provides for a public interest override in relation to public health, public safety or the protection of the environment. If one takes the time to read the discussion paper that the minister tabled before the access committee, the Minister of Justice raises the possibility of expanding this existing public interest override to include consumer protection.

Finally, there is one of the 12 exemptions that is mandatory and does not provide for discretion, nor does it provide for a public interest override. I would like to explain to the House and to members of the Canadian public exactly what this is.

The exemption I am referring to makes a connection between the Access to Information Act and certain confidentiality clauses in other statutes or in other laws. For example, the confidentiality clauses in our Statistics Act and the Income Tax Act are linked to this exemption that does not allow for discretion or a public interest override.

Most Canadians, and indeed most members of the House, if they stop to think and reflect on this, would agree that it makes perfectly good sense not to allow a particular government department the discretion to disclose personal information that Statistics Canada rigorously and assiduously keeps confidential.

As someone who is a taxpayer, as are all of the members of the House, because we make more money than the personal exemption so we pay taxes, we would also want to be assured that the information we provide through our annual tax statement to our federal government remain confidential.

I can remember a debate taking place in the House precisely about the opportunity for or the appropriateness of Revenue Canada, now the Canada Customs and Revenue Agency, CCRA, being allowed to provide some personal information to, for instance, what used to be Human Resources Canada. There was a major debate in the House about it.

Therefore, I think that when one looks at the 12 exemptions carefully, one has to admit that discretion is already allowed under the existing statutes and there is also a public interest override that exists.

I find it interesting that a member of the access to information committee, of which I am a member as well, would put forward as gospel a motion that mirrors recommendations made by the Information Commissioner when the Information Commissioner himself said on the record that he had not consulted with any stakeholders before making his recommendations.

• (1310)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am trying to understand the position of my colleague, who is on the committee and has given us his Liberal interpretation of access to information. In fact, the motion by the Conservative Party actually mirrors the bill the committee called for. It asked the commissioner to draft the bill. Part (c) of the motion we are discussing today refers to establishing “a duty on public officials to create the records necessary to document their actions and decisions”.

When it comes to the exceptions, major and minor, my colleague has referred to, they all need to be discussed when we are studying the bill and calling witnesses. We are talking about the overall rule here. I will read an excerpt from the presentation made by Commissioner Reid, particularly the part concerning the necessity of records from public servants. When he spoke to us on October 25 in committee, he said the following:

Supply

The most fundamental, pivotal proposal I am making is that a legal duty to create appropriate records be imposed and that an offence be created for failure to fulfill that duty. Although this latter provision did not appear in Bill C-201, there is universal acknowledgement of the reality that the right of access is being rendered meaningless by a growing oral culture in government.

Let us keep in mind that Bill C-201 came from Mr. Bryden. So the independent analyst is telling us that there is no longer any exchange of written documents in the federal government; people no longer put anything in writing, they just talk. Denis calls Paul, or Tom, Dick or Harry calls Paul, or whatever, but nothing in writing. People keep saying “Don't write me, call me”. That is what he means by the oral culture.

He goes on to say:

The failure by public officials to be professional in creating records is also undermining the work of Parliament, the Auditor General, the National Archivist, the police and judicial inquiries. Conducting governance by winks and nods simply leads to poor decision-making, inept administration and corruption.

Here is my question for my colleague. Might she, by not wanting to debate this and not supporting the opposition in this serious undertaking of making access to information available to all, not be defending this culture of secrecy and corruption within the Liberal government?

Hon. Marlene Jennings: Mr. Speaker, I must say that I am quite disturbed by the comments and observations or claims that my colleague in the Bloc just made. It is not that I have a problem with part of the motion introduced by the Conservatives, or that I am not sympathetic or favourably disposed to another part of the motion. The problem with this motion is that it contains five completely different components.

I agree with taking the necessary steps to ensure that an oral culture does not develop in the public service. But when I look at another part of this motion, which talks about making all exemptions discretionary and subject to an injury test, I have a problem with that. So this is what I spoke about for ten minutes. If I had had the time to speak for 40 minutes, I could have touched on all five components in the motion. Maybe it would have been easier if the Conservative member, instead of trying to bundle together all the recommendations of the Information Commissioner, who admits that he did not consult any of the parties that might have been interested in reforming this legislation, had taken just one of the recommendations. Then we might have had different positions.

But when he bundles several recommendations together in a single motion, I have no other choice than to concentrate on one of the components. I decided to concentrate on the exemptions because they are quite problematic. His motion implies that the existing exemptions are not discretionary, which is false. So I decided to concentrate on this. I reject his criticism and cannot accept people claiming on the basis of this choice that I am not concerned about the changing culture in the public service, which is tending toward a more oral culture. That is not true and I reject your criticism. That would have been another way of—

Supply

•(1315)

The Acting Speaker (Mr. Marcel Proulx): Order, please. I would like to remind the hon. member for Notre-Dame-de-Grâce—Lachine that I did not criticize her. I would therefore ask her to direct her comments through the Chair. She still has 10 seconds.

Hon. Marlene Jennings: Mr. Speaker, it is true that you did not criticize me but a Bloc member did on the basis of false claims. It is not the first time that this has happened. That is why we already had a debate on a question of privilege. So it does not surprise me.

[*English*]

Mr. David Chatters (Westlock—St. Paul, CPC): Mr. Speaker, that was an interesting exchange. I was a little surprised by it, because the motion we are debating today is a reflection of the recommendations of the Information Commissioner in a draft Access to Information Act that he presented at the request of the Standing Committee on Access to Information, Privacy and Ethics, which I am also a member of and happen to chair.

The committee was very supportive of these recommendations when the Information Commissioner brought them to the committee. I am a little surprised by the exchange and the discussion that now comes to the House, but I guess that is the nature of this place. Certainly in terms of stakeholder groups and discussions, there will be ample opportunity for that discussion to take place.

The discussion of course is taking place here in the House today, but the discussion will also be broad-ranging and stakeholders from many different sectors will have their chance to discuss this very subject, this supply day motion being part of the broader discussion about a revised Access to Information Act. The Conservative Party intends to make this part of our accountability act, which we as the government will be introducing after the next federal election. This new Access to Information Act will be a part of that accountability act.

It is very obvious that the Information Commissioner speaks with great authority on this subject. I do not think that the draft legislation he brought forward was something that just came out of his head with ideas of how it should work. I think it was the result of years and years of doing his job as access to information commissioner and his experience in the courts in trying to pry out of this government information that rightfully belonged to the public. We know that the Liberal government did everything it could to withhold that information. The government tried in every way that it could to avoid releasing the information the public wanted, although under the current act the public is allowed to have that information.

I think it was an excellent piece of work that the Information Commissioner did and then brought to the committee. I certainly support it. I was absolutely delighted when my leader and my party adopted that draft Access to Information Act, made it part of their accountability package and promised to include it in one of the first pieces of legislation that our party would bring to Parliament to pass.

Of course, when we look back at the whole sponsorship scandal and the Gomery inquiry, I must say that I do not think there is anything any party or any government can do to prevent someone who is determined to steal taxpayers' money from doing it. As for someone who goes to great lengths to create a way to do it, all the rules in the world cannot stop someone like that. If people have that

ethical standard and are willing to do that, they do not pay any attention to the rules. Their only focus is on how they hide what they are doing from the public and the authorities. We certainly saw a lot of that during the sponsorship scandal and the Gomery inquiry.

Certainly everyone in this House, everyone on our committee and I think most Canadians realize that the Access to Information Act is long overdue for an overhaul. We have been talking about it in this place for a number of years.

•(1320)

I heard one of the members talk about the John Bryden bill which passed through the House. It did not pass unanimously but I think only one person voted against it at the time. However the government did nothing with it and has not moved on it. Worse than that, the justice minister brought a discussion paper to the access to information committee and, in spite of the rhetoric we heard about the commitment to include Crown corporations in a new bill and a number of reforms that were badly needed for Liberal cabinet ministers, including the Prime Minister, the Liberals have done nothing to move that forward.

In the draft discussion paper that the justice minister brought to committee it in fact made government more secretive. It certainly did not meet the criteria of the Bryden bill and it fell far short of the recommended act that the Access to Information Commissioner created and brought to the committee. It is pretty clear, in spite of what we have been through in the last couple of years with the sponsorship scandal, that the government has no desire to make government more transparent and more accountable, which has been proven by the actions of the Prime Minister and the government.

While we hear promises of how the Liberals will solve this and never let another sponsorship scandal happen again, just a couple of weeks ago we heard that the Department of Indian and Northern Affairs issued a contract with specific instructions that there be no paper trail on the contract. Therefore, any kind of a reformed Access to Information Act could not follow the paper trail or follow the money under that contract. This comes from a government that says it is dedicated to making government more accountable and transparent. It is simply a game. As we have seen so many times, it is just not believable and no Canadian would believe it.

These deathbed conversions on any number of issues, including tax reduction and reform of the institution of government itself, are simply empty election rhetorics designed to fool Canadians as to what the government's agenda really is. I would warn all Canadians to discount that kind of talk. I think if they look at what the government is actually doing they can only come to one conclusion.

I want to talk about our plans to reform government, to make government more accountable, to deal with the issues that came up in the Gomery report and the promises the government has been making for 12 years and has done nothing to fulfill them.

Supply

A couple of weeks ago, my leader, the leader of the official opposition, announced his accountability act and it includes much more than just a reform of the Access to Information Act, which is certainly a key part of it, but it also addresses in great detail political donations to candidates and political parties. That was part of the sponsorship scandal because much of the hundreds of millions of dollars that were taken ended up funding the Liberal Party in an election campaign, if not two election campaigns.

● (1325)

Election financing is an important part of this. We would ban corporate and union donations while limiting personal donations to \$1,000. We would ban ministers and their staff and senior public workers from lobbying government for five years. We would give more power to the Lobbyist Registrar, the Ethics Commissioner, the Information Commissioner and the Auditor General, all officers of Parliament.

It is pretty clear that the Liberal Party used the sponsorship program for not only unethical purposes, but criminal purposes as well, if I might say so. Judge Gomery made that pretty clear in his report.

Our objective would be to end the influence of big money going to political parties for elections and we would crack down on the lobbying culture that the current Prime Minister was very much a part of. His relationship with some lobbying firms is well-known and, quite frankly, needs more investigation. However Judge Gomery did not have a mandate to do that.

I have always believed that government, no matter which level of government we are talking about, is there to serve Canadians and, with a few exceptions, Canadians should be able to find out how their government is serving them and where their money is being spent, which has not been the history of the present government. Judging by the justice minister's proposal, that will not happen in the future. If the Liberals are re-elected, they intend to tighten up that information, thereby making it less accessible to Canadian taxpayers and the people who elect us to this place.

As I said in my opening remarks, simply changing the rules is not the only thing that needs to be done. If people do not have ethical standards, simply changing the rules will not solve the problem. The only way to solve the problem is to change the people who govern and elect people of a higher ethical standard, people who do not have the culture of entitlement that we have seen for so long across the floor.

The way lobbyists work, in my view, is pretty distasteful. I think of the latest episode involving David Dingwall, the head of the Canadian Mint. At the same time as he was in this very lucrative job of running the Mint and receiving a salary of more than \$200,000 a year, he was collecting huge lobbyist fees to lobby the government, a government to which he belonged not too long ago, for a contract for a friend. The whole thing has a real smell to it and I think most Canadians do not find that acceptable. I think most Canadians would support our proposal to reform the way lobbyists work and how long they have to be out of government or out of the bureaucracy before they can engage in that kind of activity. That is an important part of the Conservative accountability act as well.

Part of the reform on the lobbyist side would give the Lobbyist Registrar more power and more ability to enforce the rules and to act on findings. In the latest cases we have heard about, the Lobbyist Registrar should have known what was going on and should have had the power to stop it, instead of helplessly sitting by and letting it happen. That is also an important provision.

● (1330)

We would also make substantial changes to the financing of political parties. I do not think it is appropriate for people seeking to be members of Parliament to accept huge donations from anonymous people. It makes people very suspicious, and with good reason. It leads to the creation of some of these huge trust funds that are held by members of Parliament and they are not required to disclose where the funds came from. Those members who currently have those trust funds should account for them, make it public where they came from and show how much they have. I think that as well is a good move.

Another controversial issue under this transparency act, which the Prime Minister promised to resolve when he was campaigning to be prime minister but one he has done nothing about, is the appointment of people to various positions that serve government and the country. It should be easy to understand that these officers of Parliament, the Ethics Commissioner, the Auditor General, the Chief Electoral Officer, the Information Commissioner, the Privacy Commissioner and the Registrar of Lobbyists, serve Parliament not the government and, therefore, should not be appointed by the Prime Minister.

Parliament should have a process to select these individuals and Parliament should be able to vote on the appointment of these people. I cannot understand any argument that would have it otherwise because these particular individuals are serving us as parliamentarians and are working for Parliament. Even if we do not get into a discussion about some of the other appointments, for example judges, perhaps there is an argument to be made on either side, but certainly the officers of Parliament should be hired by Parliament to serve Parliament.

Supply

Another issue with which I think Canadians are having a problem, these days in particular but for a very long time, is the whole issue of the hundreds of millions of dollars the government spends on polling and advertising. The advertising side was an integral part of the Gomery report on the sponsorship scandal. However the way governments poll and the millions of dollars they spend on polling is a huge issue because most prime ministers and most leaders discount opinion polls when they do not get the results they were looking for and then swear by them when they do get the results they were looking for. In my opinion and I think in the opinion of most Canadians these polls are very manipulative and can sway voters substantially one way or the other. I think that is what we are seeing right now in the lead up to the election that is coming very soon. We need to reform that part of it.

The last issue is that there is a need to change the way in which governments issue contracts for government services. The way in which the government chooses the same companies time and time again for single source or even bid contracts has long been an issue in my part of the country, in western Canada. I am thinking of the recent controversy over the contract to move Canada's armed forces personnel and the RCMP.

• (1335)

We would certainly need some changes there. I think that all of us agree that the whistleblower legislation before the House is inadequate. We need to make some real changes and provide some real protection for whistleblowers and certainly that would help prevent this Gomery thing as well.

Finally, our proposal to give more stronger powers to the Auditor General to investigate and to audit departments is absolutely crucial to where we want to go. While our access to information reform package is what we are debating today and is extremely important, I think it fits into a package of broader reforms that will make this place transparent and accountable.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I want to thank the member for Westlock—St. Paul for his remarks. I also want to congratulate him, since he is the chair of the Standing Committee on Access to Information, Privacy and Ethics. I gather that his health has improved, and I am glad to see him here.

My question is simple. In the motion that his party introduced, clause (c) states:

(c) establish a duty on public officials to create the records necessary to document their actions and decisions;

My colleague heard the Liberal members criticize the motion by saying that there were exemptions and things that should be discussed. In any case, all these exemptions are usually discussed once the bill has been introduced. That is what we want and that is the aim of the Conservative Party's motion.

I will reiterate what the Information Commission said in his October 25 presentation to the committee. He said:

None of these improvements, however, can ensure accountability through transparency unless there is a foundation of professional record keeping by public officials. The most fundamental, pivotal proposal I am making is that a legal duty to create appropriate records be imposed and that an offence be created for failure to

fulfill that duty...The failure by public officials to be professional in creating records is also undermining the work of Parliament, the Auditor General, the National Archivist, the police and judicial inquiries. Conducting governance by winks and nods simply leads to poor decision-making, inept administration and corruption.

He also said that, “—there is universal acknowledgement of the reality that the right of access is being rendered meaningless by a growing oral culture in government”.

Ultimately, he is saying that the oral culture and the fact that nothing is being written down anymore results in corruption. This is what the Liberal members of the House are now defending. They want the current legislation to continue to be enforced and to maintain a culture of secrecy and corruption. I want to know what my colleague thinks about this.

• (1340)

[English]

Mr. David Chatters: Mr. Speaker, that is a very good point. I cannot think of any single reason why a government would choose to operate on the basis of oral exchanges of information and planning other than to hide from the public what it is doing and hide what it is doing from the Auditor General.

The Prime Minister made all kinds of promises to end that and even as I mentioned in my speech, just a couple of weeks ago the government continued to behave in exactly the same way by issuing contracts from its departments with specific instructions to have no paper trail that an auditor or investigation could follow.

Clearly, the government has learned nothing from the Gomery inquiry into the sponsorship scandal. It continues to operate the same way. It is very clear in listening as we did to the Information Commissioner that time and again departments abuse their exemptions under the Access to Information Act claiming excuses not to release the information. The Information Commissioner time and again has to go to court to access the information on behalf of Canadians.

I have great admiration for the job that the Information Commissioner did in creating this draft legislation for us and I support it completely. I absolutely reject, as I think 99% of Canadians would, the right of a government to operate orally and hide that information from Canadians. It is just wrong.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I would like to begin by mentioning that the suggestion made by the member that there were lobbyist fees being received at the same time by the president of the Mint may not be the case and he may want to check his facts before he repeats that.

Knowing that he is the chair of the Standing Committee on Access to Information, Privacy and Ethics, and that the committee has dealt substantively with this motion before the House today, I believe there is one area where the member may assist the House in understanding a little more carefully the concept of public interest and what constitutes public interest to the extent that it would override certain exemptions.

Supply

There are certainly some examples I could give. One example would be the Ethics Commissioner, who reports to Parliament and is an officer and agent of Parliament. He is involved in certain matters which, although they may be of interest to the public, I am not exactly sure would constitute public interest.

• (1345)

Mr. David Chatters: Mr. Speaker, I think there is a bit of a play on words there. There is a difference between being of interest to the public and being in the public interest.

Certainly, it is in the public interest that the government operates ethically and transparently, that it makes sound decisions, and that it issues contracts fairly and those kinds of things. Those are in the public interest and it would be up to the Information Commissioner to put that request for information of whether it is in the public interest.

There are all kinds of things going on in government that might be of interest to someone in the public and there are exemptions that would prevent a person from finding things out. I am thinking of the personal business information of an individual or a company that is very important to the success of a business. Revealing that is not in the public interest although it might be in the interest of someone in the public.

We can play with the words but when the Information Commissioner came before the committee, he made it very plain what he was talking about and where he would not allow those exemptions to apply because it was in the public interest that they not apply. We can play the word game, but I think most people understand that.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I appreciate the member's clear sincerity and energy with respect to this issue.

The member for Ottawa Centre from the New Democratic Party recently released a seven point ethics package that addresses much of what we have talked about here today. I am wondering if the member's party is supportive of the third point of that ethics package, which pertains to this issue, regarding setting spending limits and transparency conditions on leadership contests within political parties.

I know there has been some contention within parties to allow public access and transparency as to who is behind the leadership bids of various parties. I missed his leader's package, the transparency bill on good governance, but did I miss that in the bill? If it is not in there, would he be particularly supportive of such open and transparent accounting to the Canadian public?

Mr. David Chatters: Mr. Speaker, I am aware of the issue that he raised and that the member from the New Democratic Party brought forward. That particular member was a very valuable member of our committee from the beginning of this Parliament. I would like to believe that he got a lot of the ideas that he presented on reforming government and ethics of government from the time he spent on that committee with us, listening to the witnesses who came forward.

While he presented a very interesting paper which had a lot of merit, the government accountability act that my leader presented encompassed all of the areas he included in his paper. I would very

much expect that the New Democratic Party will be supporting the government accountability act for those very reasons when we bring it before Parliament after the next election because I believe it does address the issues that the member raised.

[*Translation*]

Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ): Mr. Speaker, I am rising in turn to speak about the important issue of access to information. For two decades, I have dedicated myself to the task of providing information. When I first came to the House of Commons, I thought it would be easy for me to get information, but I realized that government and political information was much harder to get in a parliamentary setting.

My remarks today will pertain to transparency. If all information were available, if everything were transparent in this Parliament, we would not even need the Office of the Access to Information Commissioner. Everything would function normally. Back in February 2001, after 10 years as Auditor General, Denis Desautels issued a warning, stating that the many special foundations, organizations and agencies created by the federal government made Parliament less and less accountable for overall Government of Canada spending. That was Denis Desautels' finding.

In April 2002, the person who took over from him, Sheila Fraser, singled out foundations. She again criticized the fact that the federal government continues to use foundations to deliver public programs and that the transfer of funds to those foundations was not subject to ministerial oversight and effective parliamentary scrutiny. She also noted that there were significant gaps and weaknesses, including a lack of information, in the design of delegated management mechanisms to monitor foundations. She said that her mandate was limited in terms of the mechanisms she was able to examine. That prevented her from providing the Parliament of Canada with information on whether federal funds and powers were being properly used. She went on to say that billions of dollars of public money remain in the hands of foundations for years before they are transferred to the intended beneficiaries. She said that the government had little recourse when things went bad and that Parliament had few opportunities to examine those delegated management mechanisms. The Auditor General was already questioning her work in light of a lack of information.

I had the privilege of sitting on the Standing Committee on Public Accounts in the spring of 2004. I saw that there were weaknesses regarding access to information in the Parliament of Canada. Information was made public in small doses, when it was made public at all. This is the age of communications. Information is distributed through the Internet and by satellite. However, when it comes from a minister's office, the Treasury Board or the Privy Council Office, it does not even reach the members of the committees set up to monitor federal government spending. I was in a position to see how little information was released by the many crown corporations involved in the sponsorship scandal. The Auditor General complained that she did not have full authority to investigate.

The current Access to Information Act exempts major Crown corporations like VIA Rail, the National Arts Centre, the CBC, EDC, Canada Post Corporation, Atomic Energy Canada and the Public Sector Pension Investment Board.

S. O. 31

• (1350)

In addition to everything that has been said about the sponsorship scandal, there are a number of pages which meet the expectations of our friends on the other side of the house. However, if one looks at the Gomery report as a whole, these people, needless to say, cannot convince the public that they were not informed and did not know what was happening.

Indeed, this whole affair would never have happened if access to information mechanisms had existed. It is in this spirit that today the Bloc Québécois is supporting the motion introduced by the Conservative Party. We hope that, once we have the tools we need, we will be able to find out what use was made of the \$4.8 million that was transferred to Option Canada during the 1995 referendum; that we will understand the decision by the Department of Justice not to lay criminal charges for copyright infringement against the Cinar company and its founders, when a report by the RCMP recommended otherwise; that we will know the name of the minister who, following the Auditor General's report, continued to defend the communications agencies and their exorbitant commissions in the cabinet communications committee.

We are working for the future. The past brought us the worst ever scandal in Canadian history. We realize that, given the refusal of the Liberals to expand the powers of the Access to Information Act, these experiences could well be repeated. Once again, I find it enormously difficult to understand the logical processes of the federal Liberals when it comes to transparency. We discussed it in committee and on that occasion, the committee agreed unanimously that it was essential to commit to a reform of the current Access to Information Act. What a surprise it is today to hear the federal Liberals say that they are not in agreement with what they themselves agreed on with the Opposition parties.

I also had one further occasion to note the weakness of the Access to Information Act when I was sitting on the Standing Committee on National Defence and Veterans Affairs. Everyone will remember the tragedy of the submarine *Chicoutimi*. You should have seen the report provided to the members of the committee. It contained a large number of blacked out sections. We did not know what had happened. An attempt was made to have us believe that it was all to protect the public interest and the families. What we realized, in reading the actual report, was that the Department of National Defence systematically refused to acknowledge its responsibilities in this tragic affair.

I can tell you that the Bloc Québécois has long been working on a reform of access to information. In fact, I had the privilege of discussing the matter with former Liberal MP John Bryden, who is a former journalist as well. He considered this issue important.

There are lots of examples to show we need this essential tool to enable elected representatives, the media and the public to get the information they need. The government's desire to maintain the status quo would indicate once again that it has things to hide and that it cannot operate transparently.

The Liberals have the opportunity today to show they will change—pardon my skepticism—and support a real Access to Information Act, legislation that will provide the authority, the personnel and the

mandate so the job can get done reasonably, legislation that will make it possible to obtain the information required.

• (1355)

My colleagues have told me they often requested access to information. On this, the commissioner was very clear in his justification for the delays in the case of many requests. We do not know the reason, but they do. It is the meddling by the offices of ministers and deputy ministers because of an unjustified fear with respect to the political sensitivity of the request.

What is needed is a clear desire for change in order to give the Office of the Information Commissioner of Canada all the powers it needs. Auditor General Denis Desautels and current Auditor General Sheila Fraser have issued many warnings.

I will continue my speech after members' statements.

STATEMENTS BY MEMBERS

• (1400)

[English]

FORESTRY

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, the pine beetle plague has now crossed the Rockies. Our Prime Minister and the federal Liberals were warned over and over again that this would happen, and over and over they ignored the warning. Now we have a pine beetle disaster on our hands that threatens to work its way across the entire country, and the federal Liberals must take responsibility for that.

Time after time, I implored the Liberals to provide the funding needed to battle the pine beetle and time after time they demonstrated that they simply did not care. Now the infestation has worked its way across the Rockies. It is in both Jasper and Banff national parks and in the forests of northern Alberta.

Under a Conservative government, \$1 billion is targeted toward the pine beetle disaster. This is exactly what a responsible government should do.

* * *

SOUTH ASIA EARTHQUAKE

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I have just returned from Pakistan and Indonesia, where I witnessed Canadians offering aid to people whose lives have been shattered by nature.

In Pakistan I visited with the men and women of DART. I saw them producing clean, safe drinking water and providing much needed medical aid. They are the face of Canada to the people of Pakistan. These men and women are doing us proud, living and working in conditions that would try the best of us.

In Indonesia, I visited with Canadian Red Cross workers who are helping rebuild lives in Banda Aceh. These men and women are designing new communities that include pipes for water and sewers, roads, homes and places for small shops. They are rebuilding communities, not just structures.

In Banda Aceh, I stayed at Canada House, where Canadians offered an oasis of peace amidst all the destruction. I want to thank Karen Foss and Joyce Loosli for their assistance.

These men and women reflect to the world the best of Canadian values. We owe them a debt of gratitude.

* * *

CANADA-PHILIPPINE FRIENDSHIP

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, today I attended the Canada-Philippine Friendship reception held on Parliament Hill. The reception welcomed over 250 Filipinos across the country, as well as numerous community leaders, MPs and senators. It was the first ever Filipino-organized reception on the Hill and included a luncheon, speeches, presentations and cultural performances.

The friendship reception was conceptualized by community leaders who wanted to strengthen the Filipino collective and national interest in Canada. An important part of this effort is to support Filipino heritage and the community's relationships and ties to the Philippines. It is estimated that a half million Filipinos live in Canada.

May this reception today be the beginning of an effort to organize the Filipino community in its loyalty to Canada and pride in its Filipino heritage.

Congratulations to the organizers on a very successful event.

* * *

[Translation]

LA MOSAÏQUE

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, I rise in this House today to mark the 20th anniversary of La Mosaïque, a community agency in my riding that anchors a great chain of solidarity reaching out to the less fortunate from LeMoynes, Greenfield Park, Saint Lambert and Brossard.

This chain is made up of some 800 volunteers who, day in and day out, doggedly focus their efforts on overcoming poverty and suffering.

Over the years, more than 30 different services have been set up to help parents and children, seniors, and others who are forgotten or marginalized by society.

What is more, so strong is this fantastic team that it has inspired the entire community, thereby generating several other humanitarian agencies.

The Bloc Québécois thanks this agency for creating a brilliant mosaic of caring and sharing over the past 20 years.

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● (1405)

[English]

CAMBRIDGE MEMORIAL HOSPITAL

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, it is a pleasure to rise in the House to pay tribute to the Cambridge

S. O. 31

Memorial Hospital and its inspiring group of hard-working, dedicated staff and volunteers. The hospital is a credit and an asset to the entire Waterloo region. It is a prime example of how a publicly funded health care facility should operate.

This Saturday there will be in excess of 40,000 people lining the streets of Cambridge. A group of citizens will collect signatures protesting the backroom “who you know” deals of the provincial Liberals, deals that have taken away \$70 million funding for our hospital.

For me, it is not about “who you know” but “who you serve”.

Today, I implore the provincial health minister to listen to these citizens and for once keep a promise. I implore him to stand up for Cambridge and North Dumfries. I implore him to stand up for Ayr and Branchton. I implore him to stand up for the whole Waterloo region, and serve.

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[Translation]

DR. PETER ZWACK

Hon. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, it is with great sadness that we learned on November 8 of the passing of Dr. Peter Zwack, president of Autism Society Canada.

Dr. Zwack was a staunch defender of the social integration of disabled persons, especially those with autism.

[English]

Dr. Zwack was actively involved in numerous organizations that provided services for individuals with an autism spectrum disorder and/or an intellectual disability.

He served as president of Autism Society Canada, president of the board of directors of Miriam Home and Services, member of the executive committee of the Fédération québécoise des Centres de réadaptation en déficience intellectuelle, president of the Quebec Federation for Autism and other Pervasive Development Disorders, and vice-president of Autisme et autres Troubles envahissants de développement Montréal.

He was a great Canadian who was dedicated to issues related to autism spectrum disorders and will be sadly missed by the autism community. Our condolences go out to his family in this time of deep sorrow.

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[Translation]

WILDLIFE PROTECTION OFFICERS

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, two weeks ago, a tragedy occurred in the Chaudière-Appalaches region: a plane carrying a pilot and two wildlife protection officers went missing.

The public, ever hopeful, bravely took part in the long days of searching. It is with great sadness that we have learned that the two wildlife protection officers and the pilot of the plane died.

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Officer Fernand Vachon of East Broughton and Officer Nicolas Rochette lost their lives during an anti-poaching surveillance mission. This expedition also cost the pilot, Yves Giguère, his life.

All of Quebec is in mourning over this tragic expedition. There will be a public funeral this afternoon so that people can pay their last respects. The Bloc Québécois joins with the public in offering its sincere condolences to the victims' families and friends.

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[English]

THE FAMILY

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, it is my pleasure to rise in the House to pay credit to the family. As members of Parliament we are all too aware of the time this job takes away from our families, particularly those of us who travel a long distance to be in the House.

I am proud today to say that two very important members of my family, my son, Darren Bell, and his son, my very special grandson, Dylan Hunter Bell, are in Ottawa and are visiting Parliament Hill just to see government in action.

It is very nice to have their support here today.

* * *

VOLUNTEER FIREFIGHTERS

Mr. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I recently had the opportunity to attend the House of Commons Standing Committee on Finance hearings in Moncton, New Brunswick. We heard testimony from fire chiefs who supported an income tax deduction for volunteer firefighters.

I want to go on the record in support of the proposed income tax deduction of up to \$1,000 for volunteer emergency workers. I want to encourage all members of the House to do the same. Especially in light of the billions in the federal surplus, we must ensure that this small measure of recognition is made to the thousands of volunteer firefighters from fire departments all across Canada. All regions of Canada rely on these volunteers. We certainly do in my riding of Fundy Royal and in the province of New Brunswick.

Volunteer firefighters give security to our communities by risking their lives responding to emergencies at a moment's notice and for no pay. They work under hazardous circumstances and physically and emotionally demanding conditions. They help us with the worst tragedies.

These volunteers risk their lives for their fellow citizens. Let us never forget that fact and show our gratitude.

* * *

● (1410)

[Translation]

SKI BROMONT

Hon. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, many ski buffs go wild at the first sight of snow. Ski Bromont, in my riding of Brome-Missisquoi, has made a name for itself over the past few years both in the province and nation-wide. Ski Bromont has

just invested another \$6 million for the new season, for a total of \$26 million in six years.

This is a real achievement in this very competitive and seasonal industry. Ski Bromont, headed by Charles Désourdy, just won the national gold award given by the Grands Prix du Tourisme Québécois for the second year in a row.

Investments, job creation, development and innovation are making Brome-Missisquoi one of the most dynamic regions in rural Quebec.

Welcome to our little piece of heaven.

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[English]

STATUS OF WOMEN

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, today in recognition of Persons Day 2005, six women were recognized for their outstanding contribution to the quality of life for women.

Bonnie Diamond is one of those recipients. A true champion for advancing gender equality, Bonnie has been a mentor and a leader in the Canadian women's movement for over 30 years. She has been at the forefront of many struggles including violence against women and equality for women.

She was an organizer of the World March of Women in 2000 and volunteers with many organizations including FAFIA, Media Watch and the Elizabeth Fry Society of Ottawa, all this while working as the executive director of the National Association of Women and the Law.

Bonnie is an important member of the Pay Equity Network, a group of more than 200 equality-seeking organizations and trade unions calling for proactive pay equity legislation.

Equal pay for work of equal value is a fundamental human right, yet more than 25 years after the adoption of the Canadian Human Rights Act, we have no federal legislation and women continue to earn less.

On behalf of the NDP caucus, I would like to say good work sister, the struggle continues.

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BANTING HOMESTEAD

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, yesterday over 350 million people around the world celebrated World Diabetes Day. Nowhere was this celebrated more vibrantly than in my riding of Simcoe—Grey.

Sir Frederick Banting, the man who discovered insulin, was born on November 14, 1891 on a farm in Alliston, Ontario. The Banting committee, my provincial colleague, Jim Wilson, and I have been working hard to preserve the homestead since it has been neglected by the Ontario Historical Society. In fact, Jim now has a private members' bill at second reading that would return the homestead to the Banting family. Once this legislation is passed, I look forward to having it designated as a national historic site, which would include a diabetes camp.

I commend everyone on the Banting committee for their tremendous hard work and efforts. People from all over the world come to see the Banting homestead, the birthplace of a man who gave them hope and a future.

I call on all members of Parliament to support Sir Frederick Banting's homestead as a national historic site.

* * *

HEALTH

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, many members are wearing a button that reads "Mission Possible—A Made-in-Canada Cure for Juvenile Diabetes". We are doing so to draw attention to the need for our government to support innovative research that could very well allow Canada to give the world the cure for juvenile diabetes.

Today we are honoured to receive delegates from the Juvenile Diabetes Research Foundation. They include Dr. Jonathan Lakey, one of the Canadians at the leading edge of juvenile diabetes research. Let us join in urging the government to provide funding for more life-saving research and a made in Canada cure for diabetes.

Also, November 16 is International COPD Day. Chronic obstructive lung disease is the fourth leading killer of Canadians, and is the only leading cause of death that is on the rise. Tomorrow the Canadian Lung Association and the Canadian Thoracic Society will release Canada's first ever report card on the disease. With an aging Canadian population, managing chronic diseases like COPD becomes increasingly important.

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[*Translation*]

MARC-ANDRÉ FORTIN

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, all eyes in Quebec were riveted Sunday on the grand finale of Star Académie, which featured two finalists from the Saguenay—Lac-Saint-Jean region: Audrey Gagnon and Marc-André Fortin.

The winner was Marc-André Fortin. Sensitive, a nature lover, a man with a heart, Marc-André is an artist through and through. His is a family in which music and song go hand in hand with freedom and love of life. And it was his family that recognized his talent very early on and encouraged him.

The performances by Audrey and Marc-André were moving. But it was all the potential of our young people that their simplicity, authenticity and style expressed first and foremost.

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In this region, Quebec's blueberry capital, Marc-André gave a special meaning to the link between the Saguenay and Lac-Saint-Jean by sharing his \$50,000 prize with finalist Audrey.

Audrey and Marc-André the entire region is proud of you and hopes the best is yet to come for you both.

* * *

• (1415)

[*English*]

CHRISTMAS MIRACLES

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, yesterday the finance minister put on a pair of pants he had not worn in a while and he found \$97 billion in the pocket. What a stroke of luck, because at that very moment the finance minister had been thinking that the government had been so generous to Liberal lobbyists and advertising agencies, the Liberal Party and David Dingwall and he was wondering what he could do to help out the little people at Christmas. I mean, as the Prime Minister says, Christmas is all about families.

What the minister did not know is at the very time that he was proposing to give people their money back, the country was about to go to an election. What a coincidence. I mean, what are the odds?

Here is the other coincidence. The Conservative Party and the other opposition parties actually amended the throne speech a year and a half ago so that it would include tax relief for low and middle income Canadians. The Liberals opposed it at the time, but they had a good reason. They just did not know at the time that tax relief would help families and the economy. They cannot know everything, but through an amazing series of coincidences, they are now on board. Thank goodness for Christmas miracles.

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ROUTE OF HONOUR

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, the Canadian Battlefields Foundation was formed 13 years ago to ensure that the sacrifices of Canada's 1.5 million service men and women from both world wars would not be forgotten.

In this Year of the Veteran, the Canadian Battlefields Foundation has created a website depicting the Route of Honour. It is literally a road map that identifies the places where the great battles were fought by Canadian troops across Europe and the Far East.

The website is being promoted this month on tray liners in every Tim Hortons outlet in Canada. Today I rise to pay tribute to the principals of the Canadian Battlefields Foundation for the work they do, and to pay tribute to the executive of Tim Hortons for this demonstration of good corporate citizenship.

*Oral Questions***ORAL QUESTIONS***[Translation]***SPONSORSHIP PROGRAM**

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, Justice Gomery's report tells us that \$8,000 was paid to a volunteer in the riding of Louis-Hébert for the election campaign. The former director of the Quebec wing of the Liberal Party himself has testified to this.

The candidate, Hélène Scherrer, is now the Prime Minister's principal secretary. The dirty money from the sponsorship scandal went toward campaign expenses.

How can Canadians have any expectation that the Prime Minister will clean up the sponsorship issue when he has not even cleaned house in his own office?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, the Deputy Leader of the Conservative Party is trying to out-Gomery Gomery. Not only did Justice Gomery not make any reference to this in his report, but on top of that Madame Scherrer says she never received that money. The Louis-Hébert Liberal riding association says exactly the same thing. They must be taken at their word. Justice Gomery says nothing more.

[English]

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, it is in the report and it is in evidence.

Despite the Prime Minister's pre-election vote buying budget, his attempts to change the channel on the Liberal corruption will not change Canadians' impression of his party's entitlements. The Prime Minister refuses to launch a lawsuit against the Liberal Party to recover the full amount of money stolen through ad scam.

In fact, the justice minister has said that the government has made the determination of what his party owes. In other words, the party who stole the money decides how much it will pay back. The government only acts decisively when it is caught or when it is in its partisan interest.

When can Canadians expect the recovery of the full amount of money that the Liberal Party stole from Canadian taxpayers?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again, the Liberal Party of Canada has repaid any funds received inappropriately to the Canadian taxpayer. That analysis was based on the facts in Justice Gomery's report.

The Conservatives are basing their number on the Bloc number and it is another example of the collusion between the Conservatives and the separatists on a matter that is not in the interest of Canadians. They ought to be focusing on public policy to benefit the country, not on fearmongering and scandalmongering and on areas where they are absolutely out to lunch.

• (1420)

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, fancy that: that member talking about party loyalty.

The Prime Minister kicked 10 people out of the Liberal Party as a result of—

Some hon. members: Oh, oh!

The Speaker: I think I will refrain from comment on that one. Perhaps the hon. member for Central Nova could proceed with his question and maybe skip some of the preamble.

Mr. Peter MacKay: Mr. Speaker, they are sensitive over there.

The Prime Minister has kicked 10 people out of his party as a result of the Gomery report and only four public servants actually were given oral reprimands. This is the sum total of the consequences for Liberals in the worst modern political scandal in Canadian history.

The Prime Minister has refused to identify any of the ridings that received ad scam money, yet he has referred it to the police. Can the Deputy Prime Minister tell us if there are any RCMP investigations actually under way to identify who stole the money?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the fact is individuals named in the Gomery report are being held to account. Beyond that, the fact is the first thing the Prime Minister did upon receiving the Gomery report was to refer it to the RCMP for any further investigations.

We stand with Canadians who deserve and demand justice and the truth. That is why the Prime Minister appointed Justice Gomery, supported the work of Justice Gomery and accepts fully the conclusions in the report of Justice Gomery, instead of second-guessing the work of Justice Gomery who met with over 172 witnesses and read 28 million pages of documents in his work, unlike—

The Speaker: The hon. member for Calgary Centre-North.

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KEESEEKOOSE FIRST NATION

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, yesterday the Minister of Indian Affairs and Northern Development said that the Keeseekoose First Nation was the subject of routine audits. I have a copy of the band's educational bank account records and there is nothing routine that I can see.

There was \$600,000 stolen from the children's education fund and money spent in Santa Monica, California and in Hollywood at an exclusive jewellery store. Stealing money from school children seems perhaps routine to the minister, all in a day's work for a Liberal. Where is the forensic audit?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, first nations governments take accountability very seriously.

My department has advised me that this first nation identified financial irregularities in 2002 and 2003. The first nation acted appropriately. It called in the RCMP. Charges were laid. The matter is now before the courts.

Mr. Jim Prentice (Calgary Centre-North, CPC): The issue is, Mr. Speaker, what does this government take seriously? Three years after this matter was brought to the attention of the department, there has been no audit and there has been no prosecution, just more stolen money and this minister once again missing in action.

Oral Questions

Is this not just one more big cover-up to protect someone, to protect the former chief, the defeated Liberal candidate?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I said yesterday, the hon. member's behaviour in this is shameful.

The RCMP was called in and took the appropriate action. Charges were laid. It is now before the courts.

Shame on those members.

* * *

[Translation]

TAXATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, first the Liberals tried to buy off Quebecers with a sponsorship program paid for with their own tax dollars and now the government is trying to buy votes by promising tax cuts funded by Ottawa's surpluses.

Will the Prime Minister admit that nothing has changed, that this is more of the same and that his government, by trying to buy votes, is still exhibiting the same disdainful attitude toward the public that resulted in the sponsorship scandal?

• (1425)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, can the leader of the Bloc tell us whether he is against \$30 billion in tax cuts? Is he against \$4 billion for post-secondary education? Is he against \$2 billion for enhancing ways for our country to prosper in a global knowledge-based economy? Is he against \$1 billion for helping our businesses to benefit fully from the new markets in China and India? Is he against an economic statement aimed at ensuring a better future for generations of Canadians to come?

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we are against the blackmail such as that being used by the Minister of Intergovernmental Affairs, who is threatening not to implement the promised tax cuts if the opposition triggers an election.

Will the Prime Minister admit this is shameful blackmail since, once a ways and means motion is tabled, the budget is effective immediately?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, it is not a threat but reality. First, the Bloc is never able to celebrate anything positive in Canada. Our colleague, the Minister of Finance, has shown how vibrant our economy is right now, how we have created jobs in this country and how we have managed to maintain a balance in public finances and to invest in what is important for Quebecers and other Canadians. The government's plan is clear: we have an economic update in the fall and a budget in February. We all hope there will be a budget next year.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, once there is notice of a ways and means motion, this year's tax cuts are implemented. There is no need to vote on them.

The Minister of Finance's figures change magically according to the proximity of an election. Nine months ago, the minister announced a surplus of \$4 billion for 2005-06, and now, miracle of miracles, it is over \$11 billion.

How can the Minister of Finance justify, other than by the proximity of an election, an error of nearly 300% in his forecasted surplus, with no change in forecasts for economic growth or macroeconomic parameters?

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the fact of the matter is that the economy of this country is performing very well. Accordingly, Canadians are able to enjoy an economic and fiscal situation that is really second to none.

[Translation]

Who said, "In general, I have to say that the statement by the federal Minister of Finance is good news"? Who said that? It was the Quebec finance minister.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I remind him that they are at 20% in the polls in Quebec.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Saint-Hyacinthe—Bagot.

Mr. Yvan Loubier: Mr. Speaker, the Quebec finance minister is a Liberal and has the same 20% standing in the polls as his party.

It is a replay of the same tape we have heard every fiscal year since 1998. Since then, this government's ministers of finance have been out by 300% on average in their surplus forecasts. This year is no exception.

Is it not obvious that the government is intentionally manipulating the figures for its own purposes and, in this instance, is doing so to buy votes and to make people forget its troubles with corruption?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, I quote: "We are particularly pleased with the following measures: financial help for students; increased credits for workplace based training; the \$1 billion for the fund for the provinces; \$2.1 billion to sustain Canada's leadership in university-based research and a plan to reduce personal income tax".

That is what the Conseil du patronat du Québec had to say.

*Oral Questions***PARLIAMENT OF CANADA**

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, in a few days, a majority of parliamentarians will express themselves clearly in favour of a reasonable compromise to avoid having an election during the holiday period. This would allow us to accomplish everything the Prime Minister says he wants to get done this fall. That is what Canadians want, and what the opposition wants. The only one too stubborn to accept this sensible approach is the Prime Minister.

Why is he refusing to compromise?

• (1430)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I already said there is no compromise on confidence. That is the answer.

Now, I have a question for the leader of the NDP. David Chartrand, of the Métis nation, has said that the leader of the NDP assured him there would be a meeting between the first ministers and the first nations. Is that true? If so, does he intend to keep his word? [*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, there is a very simple way to achieve everything that needs to be done this fall, including the first ministers meeting with the first nations. That is for the Prime Minister to get off his high horse and compromise, to recognize the majority will in the House and what we had proposed in the House, which would accomplish the first ministers meeting, the work to be done during the fall, avoid an election in the holiday period and allow for Justice Gomery's report to be in front of voters when they vote.

Everything the Prime Minister wants to do, we are democratically requesting in the House that he do. Why does he ignore it?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, David Chartrand of the Métis Nation said at noon today that in a 25 minute telephone conversation with the leader of the NDP last week, the leader of the NDP assured him that the first ministers meeting with aboriginal leaders would take place.

The leader of the NDP is in a position to carry through on that promise. Is he a man of principle? Will he carry through on his promise?

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KEESEEKOOSE FIRST NATION

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, it is obvious that there is a cover-up taking place at Keeseekeoose, but that is not a surprise because the Liberals do not want anyone to know what is going on at the reserve.

The Indian affairs department spent \$9 million to build a school for only 250 students. How can a school for 250 students cost that much? We know that over \$600,000 was stolen from the school account. How much of that \$9 million for a new school was stolen from the children of Keeseekeoose? What is the minister trying to hide?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I have said many times, the first

nation reported this to the RCMP, which investigated. Charges have been laid. It is before the courts.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, bank records show that money from the St. Phillip's school account was withdrawn from at least five different casinos in Saskatchewan. In fact, in Casino Regina alone there were over 40 separate withdrawals totalling over \$18,000.

When the Liberals heard these allegations of theft and corruption, did they call the police? No. They called a nomination meeting because they had just found the perfect Liberal candidate. When will the minister admit he is turning his back on the children of St. Phillip's school?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, this first nation did the appropriate thing when financial irregularities were found. It called the RCMP, an investigation was conducted and charges were laid. This is now before the courts.

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PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Mr. Speaker, in 2003 the Liberal government was approached by André Demarais, president of Power Corp., to purchase the Skyline Complex. Even though public works was warned about the mould problems within the complex, the government went ahead and bought the building for \$92 million without any open tendering process.

How is it possible that the son-in-law of a Liberal Prime Minister can show up and convince the government to spend \$92 million for a building that is rife with rot without any public tendering process? How do they do that?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the fact is that public works, on an ongoing basis, monitors real estate markets to find the best possible real estate and office space for our employees at the best possible value for the Canadian taxpayer.

This building was purchased, was renovated, was brought up to standard for public servants and does represent both principles: the best value for the taxpayer and appropriate quality office space for the Canadian public servant.

Beyond that, the hon. member is basing his allegation on an unsubstantiated media report that had its facts wrong. I would urge him to call my department. We will set up a briefing so he can learn the facts.

• (1435)

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Mr. Speaker, if he wants to talk about the renovations, let us look at these renovations. After spending \$92 million to buy the building, to add insult to injury the government spent \$82 million to renovate the building to downgrade it. Everybody knows the government could have built a brand new building for far less.

Oral Questions

The minister makes hollow promises about fixing the rot in government building purchases. The truth is that the real rot that has to be fixed is the rot in the Liberal Party, those people who believe they are entitled to their entitlements. Is it not time that the Canadian people throw every single one of them out of this place?

The Speaker: The hon. Minister of Public Works and Government Services may respond if he wants. I am not sure what this question has to do with the administrative responsibility of the government.

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I will gladly respond to that non-question. The fact is that this government is committed to getting the best possible value for the Canadian taxpayer, which is why in the Department of Public Works and Government Services, through our changes to real estate practices and our strengthening governance, we will save over a billion dollars over the next five years for the Canadian taxpayer by adopting businesslike practices within our department and managing our real estate portfolio more effectively.

We are walking the walk over here, defending the interests of Canadian taxpayers. They are just talking the talk over there.

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[*Translation*]

INTERGOVERNMENTAL AFFAIRS

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, the Minister of Finance has just announced a number of federal government interventions, in the areas of education and skills training in particular.

How can the federal government justify taking advantage of a reinvestment in education to meddle so obviously in areas of responsibility that belong wholly to the Government of Quebec?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I would again encourage the Bloc members to re-read the economic update. There is absolutely no question of getting into areas of provincial jurisdiction. It is a matter of continuing what is already being done under agreements with the provinces.

We have a country-wide loan and scholarship system. Quebec has its own and can continue to opt out. A trust fund will be set up that Quebec will have access to.

As for skills training, they may have forgotten, but my colleague here has even signed a skills training agreement with Quebec.

We in this Canadian federation are working together.

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, the government has announced its intention to intervene with social assistance recipients and even to repair class rooms in educational institutions.

How can the federal government claim to be respecting the jurisdiction of the Government of Quebec when it is going so far as intruding into our very classrooms?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs,

Lib.): Mr. Speaker, I challenge the hon. member to show me exactly where it says that we were going to intervene directly in the classrooms of Quebec. No way would that be the case.

What we have said is that a trust fund would be in place and accessible to all provinces, who would then determine their own priorities and have access to the trust fund as needed. Our federation is extremely flexible.

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ECONOMIC STATEMENT

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, despite figures to the contrary, the government continues to deny the existence of the fiscal imbalance. Instead of resolving this issue once and for all, it showed, yesterday, that it is more interested in buying votes for the next election than in resolving the fundamental issue.

How can the government claim to have learned from the sponsorship scandal, after yesterday's exercise in blackmailing the public, again using our money to benefit the Liberals.

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, obviously, nothing makes the Bloc happy. It complains, criticizes and objects but it will never admit that the Canadian economy is in good shape and that this is good for all Quebecers. This is exactly what my colleague from Finance told Canadians, including Quebecers, yesterday. Canada is lucky to have a strong economy and every one of us will benefit as a result.

• (1440)

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, the Bloc, like the people of Quebec, is not happy about being blackmailed: if you fail to vote Liberal, you will not get a tax cut. We have heard this song and dance before.

Is not the attitude of federal ministers proof that nothing has changed in the land of the Liberals? They have the same mindset that they did during the sponsorship scandal. The end justifies the means. That is the reality and that was what we saw yesterday.

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, nothing has changed in Bloc land. They continue to see themselves as victims, they continue to complain and to object. It is quite clear that the Bloc will never be able to offer Quebecers tax cuts, because they will never lead this country; they will always be the opposition. I do not know how this will benefit Quebecers.

Unlike them, we are in a position to tell Quebecers our vision for the future, what we see for them, and how we can face the challenges of the global economy. This is what being a real government is all about.

Oral Questions

[English]

AIRPORTS

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, Pearson Airport, Air Canada's major hub, will see its airport taxes to Ottawa increase by 14%, up to \$151 million this year. This tax increase will be passed on to travellers with a new fee that was announced today. Pearson is already the world's most expensive airport and it just became even more expensive.

How can the Liberals justify increasing taxes on what already is the world's most expensive airport, hurting air travellers, hurting the air industry and putting at risk 70,000 people who work at Pearson Airport?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, rent represents 14% of the airport's budget. The debt load will go up to 51% by 2009. The problem is not with the rent. The problem is with the debt load. Also Pearson Airport uses less of its concessions. Concessions all around the country represent 40% of revenue. At Pearson it is only 20%. It has to smarten up on that too.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, it is often hard to lower debt when the government comes in year after year with increased taxes. Since 1998, landing fees at Pearson Airport have increased 298%. The cost of landing a 747 at Pearson Airport is \$13,000. At Tokyo Airport, the second most expensive airport in the world, it is \$7,300.

Liberals are taxing Pearson Airport into the ground. Every stakeholder in the city of Toronto wants taxes lowered. The government has done nothing, and Toronto wants to know why?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, we know that the rent is only 14% of the expenses at Pearson. The rent is going to go down by \$5 billion over the course of the lease. That lease was signed by the same administrators. Now \$5 billion less for rent at Pearson Airport is pretty good news to me.

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EQUALIZATION

Mr. Andrew Scheer (Regina—Qu'Appelle, CPC): Mr. Speaker, Conservatives have been fighting for a fair equalization deal for Saskatchewan for years, but all along the Liberal finance minister has been fudging the surplus numbers and telling the people in Saskatchewan that they do not deserve a fair deal.

We want the same fair deal as Newfoundland and Labrador and Nova Scotia. We want the Liberals to stop clawing back over 90% of our oil and gas revenues. That money should benefit the people of Saskatchewan, not a Liberal government trying to spend its way out of scandal.

Why is the finance minister still refusing to give a fair deal to Saskatchewan?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the government began to reform and renew the equalization system beginning in 2004, and the province of Saskatchewan was the first beneficiary of that reform process. Over the last 18 months, the province of Saskatchewan has, because of that process, gained \$799 million that it otherwise would not have had.

With respect to the anomalies in the formula, we correct those on an annual basis. If there are continuing anomalies, they would be further corrected in the budget in February.

● (1445)

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, rectifying previous mistakes is not a fair deal for the province of Saskatchewan. The finance minister has again slammed the door on a fair equalization deal for Saskatchewan. Saskatchewan cannot afford to wait, yet the finance minister has delayed any deal until next year. This will cost the people of Saskatchewan over \$750 million in lost revenue. Apparently, he has been too busy trying to buy off Canadians with their own money.

Why has the finance minister again failed to deliver a fair deal for Saskatchewan?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, raising transfer payments to an all time record high is good for Saskatchewan. Providing over the last 18 months about \$700 million in extra payments to agriculture and providing early childhood learning systems for Saskatchewan of \$146 million over the next five years is good for Saskatchewan.

On this new found interest on the part of the Conservatives in equalization, before they could even spell the word, the government put \$799 million extra into the province of Saskatchewan.

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HUMAN RESOURCES AND SKILLS DEVELOPMENT

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, my question is for the Minister of Human Resources and Skills Development.

Yesterday's economic update by the Minister of Finance contained some great news for post-secondary education, including direct support for students, some of whom are visiting Parliament this week. More funding will be made available to help students gain access to education, to upgrade their skills and to become the leaders of tomorrow.

Could the minister tell us how, in concrete terms, this new funding made available by the finance minister will get to students?

Hon. Belinda Stronach (Minister of Human Resources and Skills Development and Minister responsible for Democratic Renewal, Lib.): Mr. Speaker, I wish to thank the hon. member for his hard work as chair of the post-secondary education caucus.

In today's labour market, a post-secondary education is essential for prosperity and for growth. Statistics show that two-thirds of all future jobs will require a post-secondary education.

Oral Questions

I am pleased by the investments outlined yesterday: \$550 million to extend the Canada access grant for low income students; \$2.19 billion to assist post-secondary students by addressing access and affordability; \$210 million to expand the number of Canada graduate scholarships available; and \$150 million to support international education. An investment in students is an—

The Speaker: The hon. member for Elmwood—Transcona.

* * *

PARLIAMENT OF CANADA

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, my question is for the right hon. Prime Minister.

It seems to me that the Prime Minister's position on when the next election should be held grows more untenable as more and more Canadians realize that there is nothing unconstitutional, nothing unparliamentary about Parliament expressing its opinion about when the next election should be held. This is an activity that the Prime Minister already has legitimized, by himself saying when he thinks when the next election should be called.

Why is it okay for the Prime Minister and not for Parliament, and why is he playing chicken with the aboriginal affairs conference?

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as I said yesterday, the Prime Minister has been very clear and consistent in making his commitment to Canadians. On national television, he told Canadians that he would call an election within 30 days of Mr. Justice Gomery's second report. Canadians deserve all the facts and they deserve to have their say on the basis of those facts.

This morning, when we were on CBC Radio, it was the leader of the NDP who was sitting there with the Canadian taxpayers coalition arguing for an earlier election, while I sat with Phil Fontaine arguing to ensure that this Parliament continues to work.

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, somebody said, "Say it isn't so", and I will. That is a totally false misrepresentation of what happened this morning.

All we are asking is a compromise which would enable the aboriginal affairs conference to take place and everything else the government says is important. Our compromise would do that.

I ask the Prime Minister to put the testosterone tactics aside. If the Prime Minister were at the United Nations, there would be a war every day because he cannot accept a compromise. Why can he not accept a compromise and respect the will of Parliament? What the hell is wrong with that?

• (1450)

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, what opposition members are suggesting is not a compromise. What they are suggesting is that they would want to be able to vote non-confidence in the government today, only to have the consequences of that vote sometime in January.

We are in a parliamentary democracy that operates on the principle that a government must have the confidence of Parliament. We either have confidence or we do not. If we do not have that

confidence, the opposition parties can put forward a non-confidence motion.

We are here to make this Parliament work for Canadians and keep the Prime Minister's commitment to Canadians.

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AGRICULTURE

Ms. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, yesterday's Liberal campaign platform proves that the government has abandoned agriculture. This third budget of the year does not mention agriculture, not even once. The Liberals want to spend \$40 billion, but not one penny of it will help anyone trying to scratch out a living by feeding our nation.

Our farmers are in terrible straits and they need help now, but the mini-budget is just an insult. Why has the government ignored farmers in its last two mini-budgets?

Hon. Andy Mitchell (Minister of Agriculture and Agri-Food and Minister of State (Federal Economic Development Initiative for Northern Ontario), Lib.): Mr. Speaker, just to set aside the political rhetoric for a moment, I want to recognize the hon. member for coming back to the House after having faced serious health challenges. We appreciate seeing her back in the House.

Right now governments are making record payments to producers. We have provided over \$2 billion in the CAIS program. We have provided our fifth payment this year, which was an additional billion dollars to producers.

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, the Liberals love to talk about their phoney numbers but are ignoring the facts.

On the Liberal mini-budget, Bob Friesen of the CFA said, "The Liberal government abandoned rural Canada and have not supported Canadian farm families...yet...given the opportunity, farmers were neglected again".

The minister should consider the facts. The fact is grain and oilseed prices are below the cost of production. The fact is U.S. and European subsidies are driving down commodity prices. The fact is the CAIS program is not going to save family farms. The fact is the Liberals had a chance to put farm aid in their mini-budget and did not.

Why are Liberals ignoring the facts and ignoring our farmers?

Hon. Andy Mitchell (Minister of Agriculture and Agri-Food and Minister of State (Federal Economic Development Initiative for Northern Ontario), Lib.): Mr. Speaker, the fact is payments to producers are at record levels right now in Canada. The fact is this past year we provided an additional billion dollars, beyond all our other programs, to help Canadian producers. The fact is they cannot have it both ways. They cannot on one side call payments bribery and then on the other side criticize us for not making them.

Oral Questions

[Translation]

TAXATION

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, this Liberal government continues to deny the existence of the fiscal imbalance and does not hesitate to use its surplus funds for Liberal Party priorities and buying votes, while leaving the provinces unable to pay for health care and education.

When will the minister follow the lead of the Conservative Party, and commit to transferring tax points to the provinces so they can meet the needs of Canadians, not the needs of the Liberals?

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, revenue flows to provinces and territories are now and will continue to be consistently higher than federal revenue flows. In fact, federal debt is higher than all the provincial debts combined. Federal transfers from the Government of Canada to the provinces and territories are at an all time record high. We have already announced that over the next 10 years those payments will be going up by \$100 billion.

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JUSTICE

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, the Lower Mainland of British Columbia is now Canada's capital of crime. According to the *Vancouver Sun*, "Crime is rampant throughout the GVRD, no community is immune".

The Liberal failure to tackle grow ops, the Liberal failure to provide enforcement capacity, and its failure to toughen up the Criminal Code are all reasons why crime is rampant. It has been 12 years of Liberal failure.

Why have the federal Liberals allowed crime to skyrocket in the Lower Mainland?

• (1455)

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I wish that the hon. member might have been at the meeting of federal, provincial and territorial ministers of justice where we unanimously adopted a four point strategy with regard to combating grow ops, and other drugs and synthetic substances.

Number one is law reform. Number two is more effective law enforcement. Number three is combating organized crime. Number four is a program for education and awareness. We are moving. We are not just asking questions.

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[Translation]

ECONOMIC DEVELOPMENT

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, this economic update is a smokescreen. It contains nothing for agriculture, softwood lumber, textiles, clothing or, yet again, the regions. There is no shortage of problems, or money.

How did the Minister of Finance manage to produce an economic update while totally ignoring the serious problems facing a number of regions?

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, barely a few months ago, we voted an additional \$307 million for Quebec regions, which the Bloc members opposed. We invested \$50 million in softwood lumber and \$34 million in fisheries, despite the Bloc. We have developed the Gaspé, Chandler, Cap-Chat and Magog, despite the Bloc. We have achieved economic diversification, despite the Bloc. This is hypocrisy pure and simple.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, how could the regional economic development minister allow his colleague in finance to produce a mini budget with nothing for the regions? Is this not evidence of this minister's light weight in cabinet?

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, I can hardly wait for André Harvey to return to this House and behave like a real MP.

The members of the Bloc voted against a \$307 million increase in the budget and against Bill C-9. We have helped the textile industry with CANTex, but they did not agree. They were absent. We helped the regions of Quebec in need, despite the Bloc. I travel throughout Quebec, and the Bloc comes along behind me. I repeat this is total hypocrisy.

* * *

[English]

JUSTICE

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, the justice minister has consistently denied the positive effects of mandatory sentence reform. Yet under pressure from a Conservative private member's bill, the unanimous national police endorsement, the approval of provincial justice ministers from across this country and overwhelming public support, he reluctantly announced a vague proposal to increase mandatory sentences.

The minister now says he has no details since he has not discussed this idea with cabinet. When can we expect these details? Is this just another example of Liberal death bed conversion to Conservative Party policy?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the proposals are not vague. They were specifically endorsed unanimously by all the provincial and territorial ministers of justice. We will be introducing a legislative package with 10 legislative amendments but, more importantly, we will be providing hope and opportunity to prevent tragedy that the Conservatives are trying to exploit here in the House.

Oral Questions

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, the B.C. solicitor general said that it was “absolutely unbelievable” that a man avoided jail and was given house arrest after stealing a car he crashed into a truck, killing his passenger. It is beyond comprehension that someone can kill people and not go to jail.

The government introduced phoney sentencing legislation and made phoney pre-election promises on mandatory prison sentences. When will the government take crimes that endanger lives seriously and impose prison sentences for violent and repeat offenders?

• (1500)

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if the opposition would stop mischaracterizing the legislation and pass the legislation, we will get exactly what the member opposite is asking.

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[Translation]

THE ENVIRONMENT

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, the Minister of the Environment is still engaged in negotiations with all the Canadian provinces, including Quebec. These partnerships will help us honour our Kyoto commitment.

Can the minister share with this House his determination to reach a positive and fruitful agreement with the Government of Quebec?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, after yesterday's excellent economic update, I am able to say with more certainty than ever that, through the Partnership Fund, the Government of Canada will be able to invest at least \$300 million in projects co-funded with the Government of Quebec.

Quebeckers have many great ideas for reducing greenhouse gases in Quebec. They want their governments to work together. As always, I am reaching out to my Liberal counterpart in Quebec.

* * *

[English]

HEALTH

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, the health minister insulted every physician across the country last week when he wrongly accused them of putting their financial concerns ahead of the health of patients. The minister should apologize to physicians.

The president of the Canadian Medical Association has criticized the minister for his comments in numerous newspaper editorials. The CMA strongly supports timely access to quality health care based on need, not the ability to pay.

Will the minister apologize to the Canadian Medical Association and to all the hardworking doctors who deliver health care to Canadians?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, I am actually not surprised that the question comes from that member. He is criticizing me for defending and standing up for the Canada Health Act and public health care in Canada. That party has a policy

that it endorsed at its last national convention to privatize health care. Conservatives should stand up and say it is not so.

* * *

TAXATION

Mrs. Bev Desjarlais (Churchill, Ind.): Mr. Speaker, obviously the Liberals have not learned anything from Gomery. In another attempt at vote buying, the Liberal government has announced another so-called tax saving measure. The reality is Canadians will not be fooled.

Canadians know that the Liberals are giving away massive corporate tax cuts while giving minimal tax cuts to individuals, some of which will not kick in until 2010. If the government were truly committed to helping Canadians, it would start cutting the GST, so that everyone would receive the same tax relief.

Will the minister take that giant step and provide tax relief for all Canadians by cutting the GST?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, there are many opinions about the statement yesterday, most of them favourable. Let me quote this one:

I think on the training agenda and the notion that some of that will be prioritized for aboriginal people is a very good idea...it's a good step forward. I think some of the suggestions on innovation and training and how we can improve the standard of living for all Canadians is a very positive step forward. I think some of the affordability issues for students are extremely positive.

That comes from the hon. Gary Doer, Premier of Manitoba.

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PRESENCE IN GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of the recipients of the Governor General Awards in Commemoration of the Persons Case: Ruth Marion Bell; Bonnie Diamond; Aoua Bocar Ly-Tall; Josephine Enero Pallard; Muriel Stanley Venne; and Erica Jamie (Samms) Hurley, the Youth Award recipient for 2005.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw the attention of hon. members to the presence in the gallery of the hon. Dr. Marie Bountrogianni, Minister of Intergovernmental Affairs and Minister Responsible for Democratic Renewal for Ontario.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw the attention of hon. members to the presence in the gallery of the hon. Chris A. d'Entremont, Minister of Agriculture and Fisheries for Nova Scotia; the hon. David Alward, Minister of Agriculture, Fisheries and Aquaculture for New Brunswick; and the hon. Kevin MacAdam, Minister of Agriculture, Fisheries and Aquaculture for Prince Edward Island.

Some hon. members: Hear, hear!

Speaker's Ruling

● (1505)

PRIVILEGE

ORDER PAPER QUESTION NO. 151—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on Wednesday, September 28, 2005 by the hon. member for Delta—Richmond East concerning the reply to Question No. 151 on the order paper.

I would like to thank the hon. member for Delta—Richmond East for raising this matter, as well as the hon. Parliamentary Secretary to the Leader of the Government in the House for his interventions.

The hon. member for Delta—Richmond East stated that the government's response to his question was that it could not provide an answer because the matters raised therein were presently before the courts. The hon. member charged that the government was withholding information necessary for the execution of his parliamentary duties and was misleading the House. He therefore asked that I find a prima facie breach of privilege.

The following day, the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons rose to reply to these allegations. He responded that the government declined to provide the information sought because it wished to protect the integrity of the judicial process. He also denied that there had been any attempt to interfere with the parliamentary work of the hon. member for Delta—Richmond East. The hon. Deputy Leader of the Government in the House of Commons tabled a piece of correspondence in relation to this matter.

On October 3, the hon. member for Delta—Richmond East rose again in the House to reply to the comments put forward by the hon. parliamentary secretary. In his argument, the hon. member for Delta—Richmond East referred to the 1977 report of the Special Committee on Rights and Immunities of Members. He cited the following statement from paragraph 13 of the report:

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, unless and until that matter is at least at trial.

Finally, the hon. member argued that a minister has the obligation to justify any refusal to answer a question on sub judice grounds. He suggested that, in the present case, the government had not provided sufficient justification for its refusal, particularly since the matter is a civil case not yet gone to trial.

I have reviewed the presentations on this question and have looked at the relevant precedents. Certainly, disagreements over responses to written questions are not new. In fact, the hon. member for Delta—Richmond East has himself raised several questions of privilege relating to written questions.

[*Translation*]

Our practices with respect to replies to written questions are clear. The government may indicate in a response that it cannot supply an answer to a written question. To illustrate this, I refer hon. members to a ruling given by Speaker Lamoureux on May 5, 1971, found at page 5515 of the Debates, where he said,

It is correct, of course, to state as a general principle that a member should not be impeded in the discharge of his parliamentary duties. I suggest that this in itself does not create an obligation on the part of the government to supply any and all

information sought by a member, either by way of an oral question or a written question. Indeed, there are many precedents to indicate that from time to time ministers have refused to answer questions on the grounds that it would not be in the public interest to do so.

[*English*]

In addition, as I indicated on February 9, 2005, when the hon. member for Delta—Richmond East raised a similar point, the Speaker does not have the authority to review government responses to written questions.

In this instance, however, the hon. member has asked me to rule on whether the government is interpreting the sub judice convention properly.

So, it may be helpful for me to describe the convention briefly. The sub judice convention is a practice whereby hon. members refrain from making reference in debate to matters awaiting judicial decisions, whether it be before a criminal court, civil court or court of record. This convention also applies to motions and to oral and written questions.

Although the Speaker's role in enforcing this convention has not been defined in our rules, the Chair does exercise a certain discretion in these matters. Thus, on numerous occasions the Chair has warned of the need for caution in referring to matters pending judicial decisions.

In 1977, the Special Committee on the Rights and Immunities of Members recommended that the Chair play a limited role during question period with regard to the sub judice convention. This recommendation can be found in paragraph 23 of the special committee's report which the hon. member for Delta—Richmond East cited in part. Specifically, the committee stated:

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. It is the view of your Committee that the responsibility of the Chair...should be minimal as regards the sub judice convention, and that the responsibility should principally rest upon the Member who asks the question and the minister to whom it is addressed.

By extension, this principle also applies to written questions and their responses.

That being said, I agree with the comments of Madam Speaker Sauvé on December 16, 1980, comments cited by both the hon. members who intervened, that there could be instances where refusal to answer a question amounts to improper interference with a member's duties. However, I do not believe that is the case in the present matter and I acknowledge that it is in the best interests of the House to have questions answered as completely as possible.

Indeed, Speaker Parent stated this very well in a ruling on February 9, 1995 at page 9426 of that day's *Debates*:

It is incumbent upon all those involved on both sides of the process—the members formulating the questions, House officials reviewing those formulations, the individuals drafting the replies and the ministers of the crown tabling those replies in the House—to ensure that every care is taken so that these exchanges remain as fruitful and as useful as possible.

In conclusion, then, I do not believe that the Chair can determine whether the government has interpreted the sub judice convention properly. Nor is it the Chair's responsibility to oblige the government to answer a question when the government has stated that it is unable to respond because the matter is before the courts, as is the case in this instance.

Therefore I do not find that the matter raised by the hon. member for Delta—Richmond East constitutes a prima facie question of privilege.

I thank the hon. member, however, for his continued vigilance in these matters.

• (1510)

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, I appreciate your comments and certainly accept them but I wonder if you could clarify a couple of points for me.

I fully understand that it is the minister's prerogative to either answer or to refuse to answer a question but I am somewhat concerned about the point that was made. As you know, in this instance the government stated that it was unable to respond to my question because the matters were before the courts of British Columbia.

Mr. Speaker, if that rationale or that excuse, for want of a better word I guess, is to be used, I wonder if you could provide some guidance on that. In particular, I have four questions for you that I think would help to give some clarification and definition to this response.

First, are there occasions when it is inappropriate for the government to claim that it was unable to answer because a matter was before the courts?

Second, when would such occasions arise that it would be inappropriate to claim that a matter was before the courts?

Third, is it necessary for the actual subject matter of the question to be before the courts in a trial that is underway?

And fourth, is there a difference between a criminal and a civil trial on this issue?

Mr. Speaker, those questions are not meant to be a challenge but to be for clarification. I am obviously troubled by the government's response to these issues. Personally, I think when questions are asked we are entitled to complete answers. I understand full well that all members tell the truth, but I wonder if you could just clarify that issue for me, please.

• (1515)

The Speaker: The hon. member has posed four questions. What I would suggest is that he read the ruling that I just made again. I think he will find that the answers are there in the most fulsome way. There are citations about all kinds of precedents involved in this matter that he can look up too. There are quotations from authorities on the subject that will have footnotes galore on this issue that he can look at and satisfy himself as to the response that the Chair has given to his questions.

However I think I dealt with all the issues, perhaps in a less direct way than he would have liked but in a way that I believe is thorough

Supply

and that will allow future Speakers to make decisions on these matters as the cases arise.

I have made a finding in respect of his case based on answers to, I believe, all four of the questions he posed. If he goes through the ruling I think he will find it a gold mine of information on this subject. I encourage him to read it.

GOVERNMENT ORDERS

[Translation]

SUPPLY

OPPOSITION MOTION — ACCESS TO INFORMATION ACT

The House resumed consideration of the motion.

The Speaker: When the House broke for members' statements, the hon. member for Lotbinière—Chutes-de-la-Chaudière had the floor in the debate on the opposition motion. He has nine minutes remaining in which to complete his remarks.

Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ): Mr. Speaker, I want to come back to what I was saying before oral question period. I was talking about how important the Access to Information Act is. We saw proof of this again yesterday when the Minister of Finance tabled his mini budget, with a 300% difference between his estimates and reality. And yet this is called transparency. The Minister of Finance talks to the media and financial experts and provides information in order to prove that the surplus will be approximately \$4 billion.

With a wave of the Liberal wand, he is now talking about an \$11 billion surplus. So, once again, we were not being given all the facts. The Liberals have always boycotted transparency in Parliament. They have always worked to keep information secret. In fact, the best way to control a business is to control the flow of information. The best way to manipulate things is to control the flow of information. These people have become experts in the field since I became a member in June 1997. They have not changed. They may have changed Prime Minister, but their attitude remains the same.

Hon. members will recall last year, within weeks of the election, how the Prime Minister was going on about the democratic deficit. One might have concluded that the measures to eradicate that deficit might have included allowing parliamentarians to have better access to information. Nothing has improved, however. The recent report by the commissioner gave grades from A to F. The Privy Council Office was one of the ones that got the most negative attention, and this is the same office that did not provide full information when the public accounts committee set out to understand the sponsorship scandal.

In my student days, people were graded A, B, C, D or E. E was really bad, so imagine what F means. These people come to committee and promise to improve. There is political interference in access to information, and to counteract that interference, the commissioner needs more power, more staff, more means of obtaining the required information, so that my colleagues, the media and the public will be better served when requesting information.

Supply

The whole thing becomes a bit complex, because often the requests go through the PCO and then to the appropriate department. Imagine the interference at the departmental level as well as at the PCO. Now as well we realize that it is also within the committee examining the Access to Information Act.

All parties were unanimous in their desire to revise the legislation. They even asked Commissioner Reid to propose a bill that would improve and reinforce access to information.

● (1520)

Once again, they dragged their feet. It was yes in committee and no before Parliament. That is the Liberal mindset. Have you noticed where things are at with employment insurance? They say yes in committee and no in Parliament. Often decisions are made in committee and denied before Parliament. This is called the democratic deficit.

An hon. member: Then there are the seniors.

Mr. Odina Desrochers: The same is true in the case of seniors. They say yes in committee and no before Parliament. How is the public expected to react? How can they take the work of parliamentary committees seriously if the Liberals fiddle behind the scenes with access to information and order members to toe the party line and ignore what the MPs want to do? It is a matter of privilege. People must have access to information.

At the start of my remarks, I said that I was a journalist for some 20 years. On my arrival here, I was very disappointed to see that things were not going so well.

The Bloc Québécois supports this measure. Given the weakness of the status quo the Liberals are proposing, our committee is still hoping to have an affirmative answer thanks to the work of the other opposition parties. However, we might get a negative answer in Parliament.

If that happens, it will be bad faith, because we will conclude that this government is determined to control information and not share it. If the Liberals want to demonstrate that they can adopt a new mindset and show that things are different in this Parliament, they will have to vote in favour of the motion defended today by the Conservative Party, because it addresses the expectations of the public, the media, MPs and everyone entitled to have access to information.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I did stay to listen to the end of the member's speech as I know he is very interested in the subject matter.

I will speak about one of the principles in this motion. As members know, the motion should be read in the context of considering the advisability of these provisions and also the fact that these are quite broad brushes. There are some significant exceptions which likely would be included in any subsequent legislation. For instance, there is the issue of the Ethics Commissioner as an officer of Parliament and whether or not the public would have access to the information that officer would have. That would cause some difficulty and there might be some conflict with regard to that commissioner's operations.

I would ask the member for some context through which he could help the House better understand the concept of public interest. In the motion, public interest is basically put forward as a test which may override some of the exemptions that are included either in the act today or in a subsequent bill. I want to know whether or not the member could give his view of what he thought was of interest to the public as opposed to what was certainly of public interest, which should override any of the exceptions that are being considered.

● (1525)

[*Translation*]

Mr. Odina Desrochers: Mr. Speaker, I realize that the Liberals are afraid to provide information. I am a fan of freedom of information. The members of my committee, people on other committees and members of the Parliament of Canada are able to decide what should be official and made public and where some restrictions might possibly apply.

However, we cannot accept the Liberal practice over the last few years of hiding behind agencies in order to refuse to provide information. We saw the mess that this has created in the sponsorship scandal, in some Public Works and Government Services Canada contracts, and in many questions asked in this House in order to get at the truth.

The Bloc Québécois is proposing an Access to Information Act that would enable the public, members of Parliament and the media to get what they want.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague from Lotbinière—Chutes-de-la-Chaudière not only for his excellent speech but for his longstanding commitment to the issue of freedom of information, something we all recognize and appreciate.

He and I have both listened to the speakers from the Liberal Party on the subject of this opposition day motion. The Parliamentary Secretary to the Prime Minister stated in his remarks that "the various components of this complex subject must be studied first before we proceed".

I would ask the hon. member to comment. Does he not agree with me that this subject has been studied and studied ad nauseam, ad infinitum? We have studied this issue to death for a decade or more.

Does he not agree that it was offensive when the Minister of Justice came before our committee and tabled a discussion paper so that we might begin the process of studying the issue rather than proceeding with legislation? Would he agree with me that the Liberals deliberately stalled, undermined and sabotaged meaningful reform by taking this route?

[*Translation*]

Mr. Odina Desrochers: Mr. Speaker, that is what I said in my presentation. Based on the way in which the Liberals on our committee act sometimes, we wonder whether they really want to move in the right direction. I fail to understand why the government is introducing draft legislation when we already have all the tools and documents we need to make a decision.

I have a good story to tell. A former Supreme Court judge, an eminent jurist, was hired to study the unification of the offices of the Information Commissioner and the Privacy Commissioner. Most members, including the Liberals, thought that this was pointless. Our knowledge of the two offices and how they had developed left no doubt in our minds that this would not work. So they ordered a study to show the advantages or disadvantages of this kind of unification.

It is also evident in view of the arrival of a preliminary draft on the verge of an election campaign that we must renew our efforts. The opposition parties, including mine, the Bloc Québécois, will continue their efforts to obtain this legislation, which will give people real access to information.

• (1530)

[English]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, out of the blue, the Minister of Justice and the Prime Minister, I believe, ordered a report to be done by a wonderful jurist in our country, Gérard La Forest, on the topic of whether the information commission and the privacy commission should be united, notwithstanding the fact that both the Privacy Commissioner and the Information Commissioner said it was not a very good idea.

My suspicion is that this is another tactic to stall this whole process. Does the member agree?

[Translation]

Mr. Odina Desrochers: Mr. Speaker, I was saying earlier that we are against merging the two commissioners' offices. It is increasingly evident that the two organizations have different mandates and cannot work together. People try to convince us of the opposite, saying that unification would save money and so forth. But in both cases, what is really needed is additional personnel and more tools to improve the services provided.

Both commissioners have said in this regard that they are currently battling with Treasury Board to obtain the resources they need to do their jobs.

I would point out that these two organizations do totally different work. Things have changed since 2001 and we have to respond now to the expectations of our modern society.

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, I would first like to congratulate my colleague from Lotbinière—Chutes-de-la-Chaudière on his speech and especially on his statement that information is the very basis of democracy. There is no way around it. All good democrats will say that, without information, people cannot progress, say their piece, decide and act. That is true of Canada too, of course.

I would add here that the Parliament of Canada is one of the major pillars of democracy. People often say that a veil has been drawn over government activities and they feel this is contrary to the very mission of the Parliament of Canada. As proof I would point to what is said in the Gomery report about the Liberal Party. It says that there is a culture, a system, a veil of secrecy to keep people in the dark about certain activities.

I have a question for my colleague. Can we not now see the same thing happening in this government in some major files? One of my

colleagues just raised the issue of seniors' incomes, but employment insurance—

The Speaker: I am sorry to interrupt the hon. member, but his time is up. The hon. member for Lotbinière—Chutes-de-la-Chaudière for a brief response.

Mr. Odina Desrochers: Mr. Speaker, my colleague gave conclusive examples that should convince us that we need to improve this legislation. It is time to remove the veil of secrecy over what parliamentarians really do, especially the federal Liberals.

[English]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, it is a pleasure to participate in the debate this afternoon. For members and those listening, the debate is with respect to a proposed new access to information act. I will read that resolution again. It states:

That, in the opinion of the House, the Access to Information Act should be amended to:

(a) expand coverage of the act to all Crown corporations, all officers of Parliament, all foundations and to all organizations that spend taxpayers' dollars or perform public functions—

That is not being done now. It goes on to state:

(b) establish a Cabinet-confidence exclusion, subject to review by the Information Commissioner;

(c) establish a duty on public officials to create the records necessary to document their actions and decisions—

It has been suggested in the committee that if this took place, the ad scam scandal never would have taken place because we would have known about these things. It goes on to state:

(d) provide a general public interest override for all exemptions, in that the public interest should come before the secrecy of government; and

(e) make all exemptions discretionary and subject to an injury test.

The rationale for this resolution is to provide an open and accountable government which is essential to restoring the faith of Canadians in Parliament.

The people in my riding have listened to what has happened in this place. They have listened to what has happened with the ad scam scandal. They listened to the Gomery report. They are very disillusioned with politicians, whether it be provincial, federal or municipal politicians. The Liberal government has given politicians a bad name and, quite frankly, I resent that. One reason the resolution is being brought forward is to restore the faith of Canadians in Parliament.

Officers of Parliament and corporations that use taxpayer money should be accountable to the taxpayers. We have just gone through yet another scandal, the Dingwall scandal. It did not really matter. It seems people can do anything they like. Mr. Ouellet is another one. The attitude that they can do anything they like goes on and on. That is the second rationale, that officers of Parliament and corporations using taxpayer money should be accountable to the taxpayer.

Transparency and accountability in the manner in which taxpayer money is spent is in the public interest and must take precedence over the current culture of secrecy, an entitlement of which the Liberals have taken advantage.

Supply

Crown corporations such as Canada Post and VIA Rail, which their politically appointed presidents were involved in the sponsorship scandal, must be accountable for their spending. That will only be done if they are subject to access to information requests. Is it not strange that these corporations are not subject to the access to information legislation?

Finally, the continuous stalling has been mentioned previously. The member for Winnipeg Centre has brought up about how we have gone over and over this topic on a continuous basis. The Leader of the Opposition and the members of the Standing Committee on Access to Information, Privacy and Ethics out of frustration have drafted legislation which will eventually be brought before the House. Even though the Liberals talk about meaningful access to information reform, they continuously stall and delay important changes to access to information legislation.

• (1535)

I put a question to the member from the Bloc who spoke previously. What I believe happened is the Minister of Justice and the Prime Minister decided to look at unifying the two positions. They hired retired Supreme Court Justice Gérard La Forest to make a report. I doubt if we will ever see that report. Then they will say that they cannot do anything until they look at that whole subject, which may never happen. It is yet another stall tactic.

An interesting piece of information that the House should be made aware of is this. In response to the Auditor General's report on sponsorship, the Prime Minister called for the Treasury Board to examine the possibility of the extension of the Access to Information Act to all crown corporations. Yet in 1995, 1998 and the year 2000 he voted against meaningful amendments to the Access to Information Act. His record really is not that good as far as trying to put meaningful change into the access to information legislation.

Historically, the act came into being on July 1, 1983. It has been mentioned that former member John Bryden brought forward Bill C-201. Some of the members who have been around this place know more of the history of the bill than I do. Mr. Bryden came before the committee. He talked about its history and how he had tried to implement the legislation. The bill died on the order paper in 2003.

The member for Winnipeg Centre brought forward the precise bill, I believe, in 2004. The Minister of Justice went to him and asked him if he would mind stalling his bill and putting it aside because the government was going to draft its own bill which would be the same, if not better, than the bill by the member for Winnipeg Centre. The member for Winnipeg Centre took the Minister of Justice at his word and set the bill aside. Nothing ever happened.

We then move into this discussion in the committee. The member for Winnipeg Centre ultimately joined us in the committee and we discussed the whole topic of the new information legislation. It was discussed that we would perhaps instruct the present Information Commissioner, John Reid, to put forward new legislation.

When that was announced, the Minister of Justice said that the government would draft another bill and introduce it in the fall. It is now November 15. I have not seen the bill. I do not know where the it is. All we have had is the Minister of Justice telling a retired justice

to do a report on whether the two commissions, the privacy commission and the information commission, should be united.

The committee will put forward a report to the House shortly that we will have a new bill. The bill will come to the House for debate.

This has been the history of this legislation since its inception in 1983. There has been continual resistance by the Liberal government toward making meaningful changes to that legislation.

I referred to crown corporations. A lot has been happening with respect to them with the ad scam scandal and trying to get information out of them. Not counting the Wheat Board, eight crown corporations are still not subject to this legislation. They are VIA Rail Canada Inc., and that name seems to pop up in the ad scam scandal if I recall, the National Arts Centre Corporation, the Canadian Broadcasting Corporation, the Export Development Corporation, Canada Post Corporation, and that name seems to pop up in the ad scam scandal as well, the Atomic Energy of Canada Limited, Public Sector Pension Investment Board and the Canada Pension Plan Investment Board.

• (1540)

Why are those commissions not subject to this legislation? They are funded by public moneys. They do work for the taxpayer. Why can access not be made to those corporations just like any of the other institutions in this place?

There is no question that there would have to be exemptions for some of these crown corporations. There is no question that there would be issues of privacy. There would be issues with the Canadian Broadcasting Corporation. If we were too difficult, it would put it at a disadvantage with the private broadcasting system. I also understand that there might be issues of security. With some of these corporations there would have to be exclusions with respect to security. However, surely all of that could be straightened out and these crown corporations could be made subject to the legislation.

Access to information in Canada is a bit of a problem. A recent media report card was issued last May by the Canadian Newspaper Association. Eighty-nine reporters from 45 newspapers across Canada visited city halls, police forces, school boards and federal government offices to test how bureaucrats obeyed laws enshrining the public's right to know. I appreciate that some of these things are not under the jurisdiction of the federal legislation, but it is a downward movement. All the provincial legislation and other pieces of legislation came from the 1983 legislation, so it is most relevant that we look at the attitude of these public officials toward people trying to get information from these institutions.

"The public's right to government information that has an impact on our lives is in failing health, and will get worse unless we start fixing it", said the president of the Canadian Newspaper Association, Anne Kothawala. It was the Canadian Newspaper Association that launched the audit. Do members know what the federal government's grade was for this audit? It was an "F". That is a complete failure. My friend in the Bloc talked about going to school. It was bad enough getting a "D". An "F" is far below.

Along with four of the provinces, the federal government failed. Of eight requests submitted to federal departments, all through the Access to Information Act, only two saw records released within the 30 day statutory period for responses. The other six did not even reply. Perhaps they are still looking for the information.

It turns out that quite frequently there is no information to release. It is a disturbing reaction to access to information legislation. Quite often there is very little or nothing on the paper to explain how millions of federal dollars are spent. A prime example of this, as I and others have indicated, is the famous sponsorship program. It seems that officials have stopped writing things down.

This is what Commissioner John Reid said in his evidence to the Standing Committee on Access to Information, Privacy and Ethics on April 12:

—the troubling shift, especially at senior levels in government, to an oral culture. A right of access, no matter how strongly worded, will be of little effort if there are no records showing what decisions were made, what action was taken, who called the shots, and who knew.

• (1545)

How does one know when people go to restaurants and hand over money in paper bags? There is no record. Everything is oral.

Commissioner Reid went on to point out:

The overall creation and management of records in the federal government is in crisis. It is this crisis, more than any defect in the Access to Information Act, which puts at risk the public's right to know, to challenge, to participate in, to influence and ultimately hold to account, the government. I urge you to make information management reform a key element of your access to information reform work.

I have another quote from Commissioner Reid's April 12 evidence to the committee, which I believe would be instructional to all of us:

The right of access arose from backbench and opposition ranks, no government enjoys the rigours of transparency and accountability imposed by the right of access, and no government will nurture and strengthen the Access to Information Act without persistent encouragement from non-front bench members.

There it is. Governments do not enjoy access to information, but they should. They should do that because a fully informed citizenry strengthens democracy and improves government.

Former Supreme Court of Canada Justice Gérard LaForest in a 1997 decision wrote:

The overarching purpose of access to information legislation...is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry.

In his 1998 book *Secrecy: The American Experience*, former U.S. Senator Daniel Patrick Moynihan concluded, "Secrecy is for losers. Because it shields internal analyses from the scrutiny of outside experts and dissenters. As a result, some very poor advice is used to inform many government decisions. Also secrecy distorts the thinking of the citizenry, giving rise to unfounded conspiracy theories and an unnecessarily high level of mistrust of governments".

That is what we have today, an unnecessarily high level of mistrust of governments. It is because of the government over there that this has happened. In a review of Senator Moynihan's book in *Newsweek*, George F. Will observed, "Government secrecy breeds stupidity in government and in the thinking of some citizens".

Supply

All parliamentarians are aware that our current Access to Information Act needs to be strengthened and expanded. The Standing Committee on Access to Information, Privacy and Ethics voted unanimously that the legislation be amended. That unanimous vote included all of the Liberal members on the committee. We will see what happens when we have a vote in the House.

I had the opportunity of attending a conference that was held by the Canadian Newspaper Association in Ottawa this year. A presentation was made on this general topic. At that conference, it was stated that more than 20 years after the nation's first law establishing the public's right to know, there are attitudes of "why do you want to know" and "why should we tell you". Those attitudes from the bureaucrats and people that hold the information of the government prevail in many departments and ministries at all levels of government. We as parliamentarians have to stop that.

What stood out most for me were the excuses given by bureaucrats and others across the country, not just in the federal institutions but in other provincial and municipal institutions.

• (1550)

In Kingston a public health employee told a person requesting restaurant inspection records that he would have to go to court first. A citizen asking for information on municipal employees' sick days in Edmonton was told that such records are private. City officials in Summerside, P.E.I. decided that information about police complaints and suspensions could not be released to the public. In Peterborough a request for water test results inspired an official to declare, "I am not interested in giving that out".

I could go on, but the excuses are priceless. They are sad. We need legislation to fix the system.

• (1555)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, I think all of us would agree that transparency and accountability are our responsibility as a government. That is why I take umbrage with the comments made by the hon. member, who listed a series of problems but did not list the series of solutions we have implemented. I am going to cite some of them.

One of the things we have done is to increase the powers of access to information requests as they apply to crown corporations. We have also made sure that the Auditor General has increased powers to peer into crown corporations. This has never been done in the history of our country, but we have done it.

We have also introduced a comptroller general. The comptroller general will have oversight in all departments and will oversee all government expenditures so that we can ensure that the hard-earned taxpayers' money will be spent where it is supposed to be spent. That is a hallmark of good governance.

Supply

We have also implemented an expenditure review system. That system obligates every single minister to take the lowest under-performing 5% of his or her department's programs and reallocate those moneys to higher and more effective priorities.

We have also announced a new internal audit system that will again act as an oversight mechanism.

There is nothing more physically we can do.

I would ask the hon. member if there are any other solutions he could offer in this House today, that this government has not already implemented, to improve the effectiveness, transparency and accountability of how we spend Canadian taxpayers' hard-earned money. We would all be very interested to know what those constructive solutions are, beyond what we have already implemented this year.

Mr. David Tilson: Mr. Speaker, the Minister of Justice said to the committee that the act needs to be changed. He said that on two occasions.

I can appreciate the member saying that certain things need to be done. If members listened to my comments, there are still eight crown corporations, and I believe the wheat board is another one, which are not subject to the legislation. Why are they not? Two of them are involved in the ad scam scandal. Why are they not in the legislation? Why not put them all in? That is what the resolution said. If my colleague would read the resolution, we are saying to act on all crown corporations, to put them all in. That is what we are suggesting.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, first I want to congratulate my colleague from Dufferin—Caledon for his speech. He is our acting chair. I am pleased to ask him this question.

It is not that easy to understand the Liberals' position. In committee everyone agreed that the Information Commissioner would introduce the bill. Today's motion by the Conservative Party is directly linked to what had been recommended by the committee, which went against what the minister wanted. My colleague is right. The minister has submitted a framework for discussion. We are saying this is not the time for frameworks. It is time for a bill.

I refer to the words of the Information Commissioner, Mr. Reid, who, during his appearance at our committee on October 25, spoke of a major gap.

This is also found in subsection (c) of today's motion:

—establish a duty on public officials to create the records necessary to document their actions and decisions.

This is what the information commissioner said during his presentation in committee:

The most fundamental, pivotal proposal I am making is that a legal duty to create appropriate records be imposed and that an offence be created for failure to fulfill that duty. Although this latter provision did not appear in [Mr. Bryden's] Bill C-201, there is universal acknowledgement of the reality that the right of access is being rendered meaningless by a growing oral culture in government.

He finished his presentation by saying:

Conducting governance by winks and nods simply leads to poor decision-making, inept administration and corruption.

Does my colleague agree that the Liberals' attitude upholds a culture of secrecy and a culture of corruption, which could have been corrected by passing true access to information legislation that would do justice to all?

• (1600)

[*English*]

Mr. David Tilson: Mr. Speaker, yes, I do, which is why not just the committee, but all opposition parties, my colleague from Winnipeg Centre and the Bloc member who just spoke, are united and I hope the Liberal Party is united as well because its members on the committee voted for this piece of legislation. It is going to be brought to the House in a report. What a way to do things, that a committee has to get a bill into the House through a report.

The Minister of Justice indicated he was going to introduce a bill. He said that twice. We have not seen a bill. It is almost wintertime and he said it would be done in the fall. All of this has been very frustrating to all members of the Bloc, the NDP, the Conservatives and I believe even the backbenchers in the Liberal caucus. For some unearthly reason the Minister of Justice wants to take no action and I do not know why.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, my colleague from Dufferin—Caledon made many interesting points in his address. He does an excellent job in chairing the committee on access to information when the chair, the member for Westlock—St. Paul, is not able to be in Ottawa.

He commented that he doubts if the Liberal government is interested in bringing true transparency to Ottawa. I would ask him for his views on the fact that in reaction to the sponsorship scandal, the President of the Treasury Board and the Minister of Public Works have introduced no fewer than 273 measures adding to the complexity of an already mind-numbingly complex government administration. If anything, rather than implementing meaningful changes to the Access to Information Act and in fact deputizing 30 million auditors who could scrutinize the workings of government, they have added to the complexity to make it almost incomprehensible what really goes on in Ottawa. Could the member comment on that glaring contradiction?

Mr. David Tilson: Mr. Speaker, I have not been here as long as many members in this place and my observation is that the bureaucracy is increasing. A prime example is what is going on here.

One of the complaints put forward by the Canadian Newspaper Association was that even the bureaucrats themselves who created this complex situation do not know what the rules are. That is why they make these absolutely stupid statements; or maybe they are not stupid, maybe they are calculated statements as to why information is not going to be released. It is based on all kinds of information as the member for Winnipeg Centre has suggested. That could be a tactic of the government to create a massive mess so that it would be almost impossible to get information. I believe the new legislation will correct that.

Supply

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, the power consolidated in the Prime Minister's Office would be a dream for anyone who wants total power. The Prime Minister can and does appoint the Governor General who is also the commander in chief of the armed forces, all lieutenant governors, senators, Supreme Court judges, Federal Court judges, the cabinet, key positions on regulatory agencies and the heads of major boards and commissions. That is a dream for anyone who is seeking power.

Lord Acton said that power tends to corrupt and absolute power corrupts absolutely. Therefore, it is no surprise that judgment is corrupted when one has that much power. I am not even putting a moral tinge to it, just judgment itself.

To put my question in context, I attended the Summit of the Americas with the Minister of Foreign Affairs. There were emerging democracies throughout Central and South America and there are those who have been dictators who would like to cling to power. They see Canada as having a system where one person has a huge amount of power and also does not put out information on billions of dollars being spent. It is a deterrent to emerging democracies. It is an incentive for those who want to consolidate power all in one office. Here is the clincher. One person raised the issue at the Summit of the Americas of the corruption in Canada. That was a very embarrassing moment for me.

Has the member considered or has he heard at committee if the Liberals have considered the effect of maintaining this air of secrecy, maintaining this level of power? Have the Liberals considered the effect not just on Canada's reputation, but on emerging democracies and those who would try to consolidate power? Have they thought about that?

• (1605)

Mr. David Tilson: Mr. Speaker, the three officers who are responsible to the committee that I sit on, the Standing Committee on Access to Information, Privacy and Ethics, are all officers of Parliament, and yet the Prime Minister chose those people at his sole discretion. The Prime Minister chooses them. Many of us have discussed how remarkable this is. There is no approval system in this place in regard to whether those people are qualified, whether they are capable of doing the job, or whether it is even appropriate that they sit there.

I know that many other jurisdictions, such as the province of Ontario, have a committee that reviews these kinds of positions to find out if the individuals should be appointed. Comments are raised. It happens in the United States. It happens in most democratic institutions, but not in Canada, where the Prime Minister decides.

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to have this opportunity to address the House on the subject of access reform.

While I appreciate the good intentions behind the motion, I will be voting against it for the reasons which follow in my remarks. I might add as a corrective that the motion presented here today, which the hon. member said was supported by the Liberal members in that committee, was not, as I understand it, ever discussed at committee.

As the House knows, I appeared before the House Standing Committee on Access to Information, Privacy and Ethics on April 5.

On that occasion, I presented for the committee's consideration a discussion paper and a set of specific proposals that set out a comprehensive framework for access reform.

As I said to the committee and reaffirm today, I have always believed that Parliament has a central role in achieving this reform. Parliament is best situated to hold hearings, receive witness testimony, engage stakeholders and address the compelling and competing issues that are involved in our proposal on access reform legislation.

That is what I invited the committee to do as the first of two tracks to access reform legislation. The first track would be my proposal, their consideration of it and their response to it. The second would be my tabling of legislation upon receiving their response to my proposal.

To date, regrettably, I have yet to receive a response to any of the questions in that proposal, to any of the specific reform initiatives in that proposal. I still invite it and we will act and produce collaboratively the kind of access to information legislation that the people of Canada both desire and deserve.

Indeed, access reform is something that the Government of Canada is committed to and that has been a longstanding concern of mine, prior to ever becoming the Minister of Justice, as it is inspired by and anchored in two basic principles.

The first is that freedom of information is a cornerstone of a culture of democratic governance, involving accessibility, transparency and accountability in government. I have no quarrel if the opposition makes that principle and that submission. I fully share it.

Second, the Access to Information Act is itself a pillar of democracy. Again, I would share that principle and have had a longstanding commitment to it, whose importance is such that it has been recognized as a quasi-constitutional statute by the Federal Court of Canada, relying on the words of the Supreme Court of Canada in *Dagg v. Canada (Minister of Finance)*, 1997. The Supreme Court wrote that the act "helps to ensure that citizens have the information required to participate meaningfully in the democratic process, and that politicians and bureaucrats"—and reference was made to that in the discussion today—"remain responsible to the citizenry".

I wish to confirm that the Government of Canada is committed to reforming the Access to Information Act so that it meets the needs of the Canadians and further strengthens the integrity, accountability and transparency of government operations as envisaged by the *Dagg* case and, I would say, as intended by members of the opposition. I do not question their intention. I question only the manner in which they are going about it.

[*Translation*]

Since the bill was passed in 1983, Canadians have had the benefit of legislation which gave them considerable access to the information in government hands. Canada was one of the first countries to adopt legislative provisions on access to information and strives to be on the cutting edge as far as governmental transparency is concerned.

Supply

Let us keep in mind that, when the legislation first came into effect, Canada was seen as a model in this field. We know this legislation has served us well and continues to do so.

[*English*]

At the same time, it is clearly in need of reform. Twenty-two years later it is no longer up to date and needs to be modernized, while deficiencies have been revealed that need to be addressed.

While there have been a few amendments of the act over the years, none of them constitute the comprehensive reform required to adequately respond to the current environment. In fact, it has been more than 15 years since Parliament even reviewed the act in depth, let alone proposed amendments.

Yet much has happened in the administration of government, in the legitimate expectation of a culture of democratic governance both in Canada and internationally, since the act was passed. Simply put, citizens expect greater involvement in the decision making process of their governments, in what I have elsewhere referred to as "participation rights", while rapid advances in information technology have changed the way government creates, stores, manages and communicates information.

In recent years, some members of Parliament have introduced private members' bills aimed at extensively reforming the ATI act, including the hon. member for Winnipeg Centre. Also, the government has before it the report prepared by the access to information review task force, which was completed in 2002 and which made 139 recommendations for the improvement of the federal access regime.

The Government of Canada not only agrees that the act must be reformed, but agrees in principle with many of the proposals made in these private members' bills and recommendations in the task force report. Indeed, the comprehensive framework I presented to the committee in April is itself guided and inspired by these initiatives, including those of the member for Winnipeg Centre.

[*Translation*]

We do, however, have to admit that some of these issues are complex ones and deal with important and contradictory concepts of public interest, addressing various interests of the government, NGOs and other stakeholders. Care must be taken in assessing and weighing the contradictory and serious expressions of public interest. We also need to examine the additional costs associated with administering the access to information system.

[*English*]

For these reasons, reform of an act that is in constant and continuous use and with a multi-layered complexity requires the application of the precautionary principle to ensure that proposed reforms, which we all want, actually provide appropriate and workable improvements to the overall scheme.

As well, we cannot act unilaterally on reforms without facing the significant risk of adversely affecting not only the range of interests but the range of stakeholders in a prejudicial manner, which speaks to the importance of the consultative role of Parliament and the importance of a collaborative work with respect to the committee and ourselves.

I would like to provide some concrete examples of these complexities and corresponding competing interests to which we still seek a response from the committee so that we can act on them in the public interest.

First, it may be recalled that the President of the Treasury Board indicated that the government would cover more crown corporations under the ATI act. He provided further details in a report on his review of crown corporations governance, a report that was tabled earlier this year.

I entirely agree with this approach. In fact, this fall, 10 more crown corporations were made subject to the Access to Information Act. This is a promise kept.

There are several more crown corporations that have yet to be made subject to the act, but we need to understand that despite their connection to the government there can be no doubt that these crown corporations compete in the open market in a variety of fields. For example, the Export Development Corporation works to expand export markets for the products of Canadian companies.

In order to do this, EDC must have access to confidential information about the businesses with which it works, but those businesses have told EDC that they will not share their confidential information with EDC if that information is subject to access laws. This is because they fear that their competition will submit an access request to EDC for their confidential information. What we have here is a question of third party confidentiality. We have asked the committee to assist us in this regard. There has been no reply.

•(1610)

[*Translation*]

If we are concerned about the competitive position of Canadian businesses, and the survival of our crown corporations, we need to look seriously at how we make them subject to this legislation, if we do not want to jeopardize their situation.

The bill may have to provide additional protection to the interests of crown corporations and their business partners. If this is so, these new protective measures need to be drafted with great care if they are to achieve a proper balance between openness and the imperative of protecting confidential commercial information.

•(1615)

[*English*]

Again, there is no response regarding how one deals with these competing concerns.

The second example is the issue of covering agents of Parliament, such as the Chief Electoral Officer, the Information and Privacy Commissioners and the Auditor General. These agents themselves receive large amounts of confidential information from other entities as they have advised us. When making agents subject to the act, we have to bear in mind the need to improve transparency and accountability on how the agents manage the administration of these offices while at the same time protecting the confidential data that they collect. Again, another matter that we asked for assistance and response on and again no response.

Supply

A third example is the modernization of certain exemptions. For example, the exemption in section 24 provides a link between the act and confidentiality clauses in other federal statutes. Entities subject to the act are required to protect information covered by these confidentiality clauses. As far back as the original parliamentary review of the act in 1986, concern was expressed about too many confidentiality clauses being linked to section 24. This is not a new concern but it is a legitimate concern. This concern is entirely valid, as the number of clauses listed has gone from 40 to over 70, but private members' bills have proposed a complete repeal of section 24. This is too blunt an approach. There are some confidentiality clauses that really should be listed, not 70 clearly, but some, for example the confidentiality clauses in the Income Tax Act and the Statistics Act.

What happened to the protection of privacy? Is this not also part of the corpus of concern that we have? Why did we not get any response when we sought the committee's response to these matters?

The reason I tabled my discussion paper before the committee on April 5 was so that parliaments and stakeholders could come together and explore the complexities of an access reform that we need and find solutions that would improve the overall scheme without adversely affecting the range of interests and stakeholders.

I also want to reconfirm today that I did not renege on any alleged commitment with regard to submitting a bill and defaulting on it. Any allegations are both unfounded and misleading. The member for Winnipeg Centre advised me at the time that he had two private members' bills and that he was considering which one of them he would bring forward: a private bill with regard to access to information or a private bill that dealt with bankruptcy legislation. He said that he would opt for the bankruptcy bill in the hope that I would also come in with access to information legislation.

As I mentioned to him at the time, there cannot be any quid pro quos in this because I am only one minister and this is a whole of government approach involving a machinery of government responsibilities, which involve the President of the Treasury Board and the like. However I did commit myself to coming in with a serious proposal, which I have, through a two track process. I came in with a proposal in the hope of getting a response from the committee, which I did not get. As a consequence of receiving those responses from the committee we would then have moved to the second track and produced an access to information reform legislation initiative.

I have reaffirmed that commitment today. Let there be no mistake about it nor any misleading allegations about the commitment that I made and the commitment I am still prepared to move upon.

That is why the way forward to access reform proposed by the member for Regina—Lumsden—Lake Centre in his motion is somewhat problematic. The member for Regina—Lumsden—Lake Centre, with all good intentions, is proposing rather simple solutions to very complex situations with competing considerations. While the government generally agrees with the proposal to extend the act to Crown corporations, the protection of legitimate interests of the Crown corporations could be compromised if the act were amended simply by adding the names of the corporations to schedule 1.

As I said in the discussion paper, the proposal to add certain corporations may need to be refined to deal, for example, with the special journalistic needs of the CBC, to protect commercially competitive information of some of the parent Crowns, such as the Export Development Corporation and the like. The paper also invited the committee to provide its input on appropriate criteria for determining which federal interests outside of the Government of Canada should be covered by the act.

The government believes that this needs further discussion before a decision can be made on the criteria for coverage on the act, and we are still awaiting a response on that issue as well.

The member for Regina—Lumsden—Lake Centre further proposes to amend the act to change the protection of cabinet confidences and to make them subject to review by the Information Commissioner. In relation to cabinet confidence, I want to repeat because it is sometimes being mischaracterized as to what our position is, the government believes the status quo is not an option and is committed to substantial reform, both to the Access to Information Act and the Canada Evidence Act.

• (1620)

However, as I told the committee, the exclusion for cabinet confidences was designed to protect key political functions of the executive, as recognized by the Supreme Court in the Babcock case, and long recognized as essential components of our Westminster style of parliamentary democracy. That is why I described in the discussion paper the critical interests of the government and Parliament in connection with cabinet confidential reforms and asked the committee to consider them carefully and respond to our considerations in that regard.

To date we have not had any response from the committee with respect to the matter of cabinet confidence that we are prepared to move upon but we want to hear what the committee will address with respect to having a collaborative approach in that regard in the interests of the Canadian public.

The member for Regina—Lumsden—Lake Centre further proposes that the act be amended to establish a duty on public officials to create the records necessary to document their actions and decisions. However, bearing in mind the purpose of the Access to Information Act, we might have to accept that the act may not necessarily be the appropriate statute for a general duty to create records. This is an issue that could be explored further by the committee and one the committee could assist us on but it is yet another issue on which we are still awaiting a response.

With respect to changes proposed by the member for Regina—Lumsden—Lake Centre to the exemption provisions, the government considers that the overall structure of the Access to Information Act is basically sound and that the current exclusions and exemptions arguably strike the right balance between the citizen's right to know and the need to protect certain information in the public interest.

Supply

I spoke earlier of the necessary balance among competing interests, but even if our approach is not correct then the committee should let us know where it is wrong and where it can be improved. It must give us some response to all the specific proposals that we tabled before the committee and have yet to hear any response.

As the House knows, we all share a common goal: to have the most comprehensive and workable legislation possible. We must, therefore, work together to craft a set of reform proposals that effectively balance the complex and varied interests at stake. That is why I presented the standing House committee with a paper outlining these areas of potential access reform that would benefit from further parliamentary discussion and study. I said at that appearance and I maintain that consideration by the committee of the questions set out in my paper is a critical step to ensuring an effective and comprehensive set of legislative amendments.

I view the discussion paper as the beginning of a necessary dialogue between this committee and myself and the President of the Treasury Board on the exact shape of these reforms. It is not I who has defaulted on the delivery of an access to information bill. It is the committee that has defaulted on its responses to our questions and proposals which would allow us to move on that access to information bill.

What needs to be affirmed again is that we are anxious to move forward on access reform. However I want to ensure that Parliament's voice is heard before we proceed. By actively engaging parliamentarians on the issue of access reform, the government affirms its commitment to transparency, accountability, integrity and the broader agenda on democratic reform.

I would trust that the committee would respect its parliamentary function and its consultative responsibilities as much as I respect what the parliamentary committee could do to assist us in this regard. This necessitates a thorough, open and inclusive process with abundant, early and frequent opportunity to discuss what form the act will look like.

We would rather err on the side of being open and inclusive than rush to a fast result and simple solutions to complex problems without having adequate consultation and deliberation. I cannot understand why the committee would preclude Canadians from even being engaged in the reform of the act that is about their rights. I asked the committee to be involved in order to ensure this broad public engagement. I feel that the opposition is behaving in an undemocratic fashion in refusing to hear competing views on the complex issues that have been raised in the discussion paper in the public interest.

The discussion paper posed a number of difficult questions which would really benefit from careful study by the committee and the testimony of interested parties before that committee. Although the committee asked the Information Commissioner to develop a set of legislative proposals over the summer, and we supported the involvement of the Information Commissioner, I might add, I remain hopeful that the committee will, nonetheless, focus on the specific concerns that we have outlined in the discussion paper, for example those issues regarding cabinet confidences, Crown corporations, officers and agents of Parliament and modernizing current and creating new exemptions.

[*Translation*]

It would also be helpful if the committee could advise us on the best way to protect the interests of the entities that will be made subject to the legislation, in particular the crown corporations and their subsidiaries, as well as the organizations created by alternate service delivery. We therefore need to take into consideration the burden imposed on the entity by making it subject to the act, particularly in connection with organizations whose competitors do not have this additional responsibility, which can be both time-consuming and costly.

• (1625)

[*English*]

We would benefit from the committee's views on how to subject agents of Parliament to the ATIA while addressing their concerns not to impair their core mandate, as they themselves advised us, whereby they must handle large amounts of information belonging to others. On all of the subjects that we put before the committee, we would benefit from its response.

I believe it would also be useful for the committee to hear firsthand the perspectives and concerns of the various stakeholders, including regular users of the act, such as the media and public interest researchers. I understand that the Information Commissioner has already appeared before the committee and I hope the committee will invite other interested parties in this regard.

The Access to Information Act sets out fundamental rights for Canadians and contributes to an open and transparent government, and it is a quasi-constitutional statute. However when we are dealing with a quasi-constitutional statute of fundamental importance to our democracy, as is the Access to Information Act, it is imperative to strike the appropriate balance between openness and, where appropriate, protecting sensitive information.

Our goal is to ensure increased transparency and accountability while balancing access, protection of compelling interests, efficiency and fairness for the public good. Our challenge is to craft the best reform we can. I hope the committee proceeds to consider the substance of our discussion paper. If the committee takes the opportunity to explore the compelling and competing considerations in the discussion paper, the people of Canada can be the beneficiaries of its inquiry and the government will be in a far better position to move forward with ATIA reform.

We want to act for the public good. We trust that the parliamentary committee will respond to our requests, indeed our exhortation, to move forward with us on access reform and to give us the responses to the queries we put in our proposal so we can move forward together.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, as the one who put forward this motion I appreciate the opportunity to ask the first question and make one comment.

Supply

The hon. member for Winnipeg Centre will have some words to say later and I will leave it up to him to determine exactly who is right in this debate over what the minister committed to. The minister talked about not reneging on a commitment he made to the hon. member, so I will let the hon. member speak to his recollection of that conversation.

The minister appears to be loading everything on the backs of the parliamentary committee by saying that it has abdicated its responsibility in bringing forth suggestions to the minister. I find that shameful because that is simply not the case.

It seems that when it is politically convenient the government and the minister say that it is not their fault that there is no legislation before the House. It blames the committee. They say that they asked the committee to come up with all of these recommendations, that they asked for its assistance and wanted to consult with it, but that the committee simply did not do its part. I can honestly say that this is the first time I have ever heard anybody from the government side of the House say that he wishes to consult with any member of the opposition. It simply is not true.

This issue has been before the House for several years and everyone in this assembly agrees that it is an important and timely issue. The government has been dragging its feet by not presenting a form of legislation that we could at least debate and take back to committee. In my view, the minister is the one who is abdicating his responsibilities by blaming others rather than blaming himself.

When will we see legislation being brought forward by the minister?

Hon. Irwin Cotler: Mr. Speaker, with respect to the hon. member's statement that we are loading everything on the backs of the parliamentary committee, all we are doing is putting our trust in a parliamentary committee to do what parliamentary committees do. It can forget about answering our proposal. If it does not want to answer our proposal, it does not have to answer it but it certainly ought to consult with stakeholders who care about access to information. It ought to allow witnesses to testify and allow the competing and compelling considerations to be exposed before it. If the committee wants to bypass us and not respond to us, that is fine, but a parliamentary committee has a responsibility to the public and that is what we are asking it to do.

If the committee does not respond to our proposals, we will bring a bill forward nonetheless, but we would benefit if it were to respond to us.

• (1630)

Mr. David Chatters (Westlock—St. Paul, CPC): Mr. Speaker, I am shocked. I think that was the most flagrant distortion of the truth and the facts that I have heard in a long time in this place.

We analyzed very carefully the draft paper that was presented to the committee. In spite of the fact that we were led to understand that we were going to receive a draft bill for discussion, we went ahead and we did study the proposal. What the proposal embodied, quite frankly, was an enhancement of the secrecy, which enhanced the inability of Canadians to access the information they needed.

We did in fact call witnesses on the issue, including the Information Commissioner who was quite shocked and disturbed

at the direction the government and minister wanted to go in the paper. When we asked the minister himself to appear before the committee to further the discussion, he refused to appear before the committee. I absolutely reject the things we just heard from the minister. I do not think it adds anything to this discussion.

Hon. Irwin Cotler: Mr. Speaker, I find this to be kind of a pattern, that when opposition members have nothing to say, they go ahead and engage in ad hominem attacks. I will not engage in that kind of thing. When reference is made to a flagrant distortion, I will respond, as follows, for the record.

Let the record show that the committee has yet to respond to any of the proposals that I put before that committee and invited the members to respond. That is the record. That cannot be distorted. If the opposition wants to say it dislikes and critiques every one of my proposals, that is fine. Then put it in writing. Then respond. Then give me a report. Then do something. But the opposition members cannot get up in the House of Commons and call it a flagrant distortion when the committee has not fulfilled its own responsibilities to respond, at a minimum, to the proposals that we made.

I will say again, even if they do not respond, we will produce that access to reform legislation, but we would have benefited from that response had they given it to us.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I must admit this is the very first speech that really tells it like it is about what has happened here. We have had many examples of bills, like the whistleblower bill and the bill on reproductive technologies, which went through some very comprehensive and exhaustive processes and offered input.

Is it the minister's intention that should the committee not undertake a comprehensive review of the framework that was presented, that the government would undertake in the next Parliament to bring forward a bill for the consideration of Parliament and for a thorough consultation through the legislative process?

Hon. Irwin Cotler: Mr. Speaker, I am delighted to say in the House that we will bring forward a bill in the next Parliament. If the opposition does not preempt this Parliament and allows the election to go ahead in the time that it was intended, we will even bring it forward in this Parliament.

I want to also add that that I find the timing of the opposition motion quite surprising. It is on a par with a lot of other things. This opposition motion is being presented today on the very day that former Supreme Court Justice Gérard LaForest, who appeared before the committee, is to tender his report to me on the issue we asked him to address on the matter of the merits of a merger of the Information Commissioner and the Privacy Commissioner.

As the committee members know, and as he testified, I gave him no recommendation or suggestion as to how he was to perform that task. I await his report which he will be tendering to me today, and we will make it public. My question is, why did the opposition members not await the report, so that they could have been as informed as I will be after his report with regard to what we want to do?

Supply

Justice Gomery has said that he will deal with access to information in his second report. Why did they not wait for Justice Gomery to tender his second report, so that we all could have benefited from that as well?

This has the appearance, if not the intention, of being a kind of opportunistic critique that has been put forward by a wave of emotion without taking into account two distinguished reports from Justice LaForest and Justice Gomery which could have assisted them, assisted us as well as Canadians.

• (1635)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am absolutely astounded at what I heard the minister say. He has given everyone the impression that he, as the minister, will bring something to the committee and the committee must then immediately do what he says.

I think it is the other way around. It is the parliamentary committee that will address this issue and, as has often been ruled by the Speaker, committees are the masters of their own agenda.

When the minister came to our committee, and instead of presenting a draft bill, he presented yet another endless routine of debate and discussion papers. We decided that we would take more decisive action. The committee did that.

He said that we have not even had any interested witnesses. There was no member of the Liberal Party on that committee who proposed that we should bring witnesses forward. That was not done. If he is concerned about that, it is not true because there was no list of witnesses, although we did hear from some. We heard from the commissioner and other interested parties.

Mine is more a comment than a question. I am simply saying that he is misrepresenting the work of the committee and trying to blame us for his own inaction.

Hon. Irwin Cotler: Mr. Speaker, I am not blaming the committee. I am asking the committee members for their assistance to do what will be for the good of Canadians, to help us craft the best access to information reform legislation possible.

I did not ask them to accept what I gave them. I did not ask them, to use the comments of the hon. member opposite, to do what I said. I asked them to respond to specific proposals which were anchored in all the work that had been done up to now by the task force on information access, by private members' bills and legislation, that of the hon. member for Winnipeg Centre and that of former member, John Bryden.

We took all the various recommendations that had been made in all the previous reports. We distilled them and said, here is everything. We distilled all of the reports and examined them. We identified the proposals and the competing considerations. We asked the committee members for their input. We wanted them to give us their assistance, to collaborate with us, so that we can produce the best access to information legislation for the good of Canadians in a non-partisan way.

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, when I listen to the minister, it kind of reminds me of that old saw about everyone being out of step but the general's son.

Of course, in this instance I guess everybody is out of step but the minister's friends.

On this particular issue of access to information, if the government were acting properly and providing the information in a timely way and open fashion, I guess it could be said that there would be no need for the legislation. However, the fact of the matter is that the administration of the Access to Information Act, for example, at the Department of Fisheries and Oceans has been severely politicized. The act is administered at fisheries in a manner designed to protect the government from embarrassment rather than provide information in a timely fashion.

DFO administers the act so as to allow the legislation and House planning branch of the Privy Council Office, the minister's office, the executive secretariat that supports the minister, and the department's communication branch to track and intervene in the handling of information requests in a manner designed to protect the government from embarrassment rather than to dispassionately provide public access to departmental records.

DFO's computerized records show the handling of each information request on an activity sheet. I have received from the department computerized records covering my information requests in 2004. First, the activity sheets show that my information requests were routinely categorized as sensitive. Requests that are categorized as sensitive receive heightened scrutiny. Such heightened scrutiny reflects not a special case management system to protect national security but one to address concerns that if certain departmental records were made public, the minister might be politically embarrassed.

Second, the activity sheets reveal that the legislation and House planning branch of the Privy Council Office generally monitors and tracks my information requests to the department. Some of the notations on the activity sheet imply that the legislation and House planning branch was actually involved with what was to be released.

Third, the activity sheets show that the executive secretariat at fisheries was directly involved in tracking and monitoring my requests and, more importantly, was involved in decisions as to what was released.

Before I proceed any further, I should mention that I will be splitting my time with the member for Yellowhead.

Fourth, the activity sheets show that the minister's office is directly involved in the information requests I made to fisheries. Copies of the various versions of the released package are provided to the minister's office through the release process. Finally, the activity reports show my information requests are monitored and tracked by the communications branch of the department.

The computerized tracking of my information requests under the Access to Information Act reveal a process organized to protect the political interests of the minister and the Prime Minister rather than dispassionate administration of the act. Let me provide an example.

Supply

Last year I asked the department for documents relating to fish farm sites. This request was made in February 2004. Just as an example of how the tracking works, I think there were about 28 people who reviewed that request and the response to it. Later on in the process the documents went to the Privy Council Office, and the legislation and House planning branch, Mr. Côté.

What is interesting are two things. First, when something goes to the Privy Council Office that the it says should not be released, it cannot even be reviewed by the Information Commissioner. It says it is a confidential cabinet document and that is the end of it. In this instance, it went to Mr. Côté and, as we know, he is now the ombudsman for National Defence and the Canadian Forces. In my view, he was up to his neck in cover-up on the issue of these questions. Yet, he was the guy who was screening on behalf of the government, so we have to wonder about his appointment as ombudsman.

• (1640)

After the question went for review to the Privy Council Office, it went to communications. It was sent the entire package with a heads up, so it could prepare a response. Then the minister's office was copied. It received notice. Then there was notice received that the minister wanted to see this again. The file already had been released. It had his go around. Then the file moved on and back to the minister's office. Finally, it went to the communications department before the information was made public.

That sort of routing is disturbing. These access to information requests are asked and they are asked openly and with an anticipation that the government will be forthcoming. We have to wonder what fish farm sites have to do with the Privy Council. Why would the Privy Council Office be concerned about the siting of fish farms? I do not know what is secret about that. I am appalled that this kind of screening process is taking place.

On the issue of the questions that have gone to the fisheries department, we have complained to the Information Commissioner at various times about the information that was not forthcoming. For example, on July 25 we wrote to the Information Commissioner because we sought records on environmental and economic issues posed by the development of sablefish aquaculture.

The department's response was that fisheries claimed a 90 day extension was due to the volume of records and the need to consult with other government departments.

The commissioner investigated and concluded his investigation by saying, "The volume of records was not overly voluminous and there was no evidence to support the length of the extension". He went on to say, "Furthermore, despite the fact that consultations were completed by January 24, 2005, D&O did not provide you with a response until April 8, 2005".

Another interesting sidebar is that again we made a request of the Information Commissioner to try to determine what happened to an information request. He replied to us again on the 25th. These were about briefing materials prepared for the minister involving aboriginal fisheries, and the department again demanded an extension.

The commissioner concluded, "There is no evidence to support the length of the extension taken". He went on to say, "The consultation process took a maximum of three weeks to complete, with most consultations taking approximately one week. Despite the additional 60 days claimed, the department missed the extended deadline. This placed fisheries in a deemed refusal situation". He went on to say, "The investigation determined that the delay was the result of a lengthy approval process". This is the approval process to which I referred.

Again we asked about the harvest of salmon caught in unauthorized fisheries on the Fraser River. Again, the department demanded an extension due to the volume and interference with operations. Again the commissioner concluded that DFO failed to meet the extended deadline. Therefore, the department found itself in a deemed refusal situation. He said, "I will remind the department of its obligation to respond to access requests in a timely manner".

The government's response on these access issues is scandalous. It is beyond me how the minister could stand there and try to defend that action. Rather than complaining about the committee, he should have been complaining about his own ministers.

The strengthening of the powers and independence of the Access to Information Commissioner is necessary and his authority over the administration over the Access to Information Act would guard against the politicization of the administration of the act as has occurred at DFO. The work of the Information Commissioner in ensuring that I have access to government documents is essential to my job as a member of Parliament. I believe his independence and his control over the administration of the Access to Information Act needs strengthening, not weakening.

I do not believe the job of the Information Commissioner should be merged with that of the Privacy Commissioner. The politicization of the administration of the Access to Information Act at fisheries and oceans provides yet another reason for strengthening the powers and independence of the Information Commissioner rather than merging two essentially incompatible offices.

• (1645)

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, unfortunately my hon. colleague did not have enough time to get into all the information that he wanted to present here today, so I will ask a general, open-ended question. Could the member please expand a bit more on some of the problems he currently sees with the ATI?

Mr. John Cummins: Mr. Speaker, the problems that I outlined with access to information were problems that could essentially be described as problems where politicians had taken over. Politicians had set up a screening process to ensure that the minister or the government would not be embarrassed by any response.

The issue I would like to address now relates to the "leaky condos". It is a huge issue in British Columbia and it has been an issue as well in Newfoundland and Labrador. It would appear that rather than the ministers or their agents acting to confuse the issue, the bureaucrats seem to be protecting their own interests.

Supply

On the leaky condo issue, the access to information coordinator for CMHC, D.V. Tyler, is also the general counsel. As general counsel, Mr. Tyler acts on behalf of CMHC with regard to the wet wall syndrome or what is commonly referred to as leaky condo problem.

While Mr. Tyler is acting on behalf of CMHC in court on leaky condos, he is at the same time, in his capacity as access to information coordinator, withholding leaky condo documents from me under the Access to Information Act and drafting answers for the minister to my letters and parliamentary questions on leaky condos.

Mr. Tyler's direct involvement as counsel to CMHC in a B.C. leaky condo case, his involvement in the preparation of the minister's response to my letters and his involvement in the preparation of a response to my parliamentary questions undermines and taints the administration of the Access to Information Act at CMHC.

At the same time, Mr. Tyler has an interest in ensuring that the complete story of CMHC's transgression remains hidden from public scrutiny. As access to information coordinator at CMHC, he is ruling as to what can be released to me on the leaky condo issue. At the same time, he is a major player in the leaky condo file at CMHC, both in making decisions and providing advice to the corporation. He can hardly put himself in the position of ruling on which of his own documents or documents in which he had an interest should be released to me.

The Information Commissioner must have authority over the administration of the Access to Information Act in any department or agency in government. There is no one in government who has a direct interest in ensuring that the Access to Information Act operates effectively, except for the Information Commissioner, yet he lacks such authority.

We should remember that there is no real advantage for anyone in government to ensure that the public has access to government records. Common sense and the practice I have outlined today would suggest that there is every reason to believe that it is natural for governments to want to limit access to their records and the scrutiny that such access brings.

This access to information bill obviously needs fixing. It is a cart that is broken. The biggest problem is the failure of the government to act in a proper manner and ensure that our rights as parliamentarians are not impacted and the rights of the average citizen are not impacted by the government's desire to protect itself from criticism.

• (1650)

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, it is a pleasure for me to speak to the motion to amend the Access to Information Act.

I want to come at this one from a bit of a different angle. I have listened to the debate all afternoon. The minister was up a few minutes ago talking about whether the committee did or did not do its work, and committee members tried to challenge that.

I want to get back to why this needed to be brought to the House at this time and debated. Why are we discussing this amendment, when it could have been done long before this time?

I congratulate my colleague from Regina—Lumsden—Lake Centre for bringing the motion forward because it is important. It focuses the House on one of the big problems we have at the present time, which is accountability and transparency of the government. It is one of the reasons why the government is on its eleventh hour, or maybe a little beyond that, of its reign, a very short one as a result of Justice Gomery's report on the sponsorship scandal. It is all fresh in our minds and will continue to be fresh in our minds because it is so important.

The report laid out the facts which showed this was something that happened under the government's reign. It set up, ran and used the program to move money from the public purse into the Liberal Party of Canada. This was a theft of millions of dollars from the public treasury. It set up a culture of entitlement.

The government has had four consecutive wins. I guess if there is a lesson there for Canadians, it is that we should not leave any government in office too long. If this is what happens, that is not in the best interest of the public. Woe to our country if we give it five wins because it will send the wrong message. It would say that what the government has done is okay.

The electorate will have a choice. It will either condemn the actions of the government or it will condone it. A vote for the Liberals will be complicit. It will say that it is okay to be corrupt. I do not believe that reflects the values of Canadians. I think the government is about to learn that lesson. I would implore every Canadian to think very soberly. It is not about whether they grew up under a political banner of the Liberals, Conservatives or the NDP. They need to understand what is at risk in this election, which is the democracy on which our country was founded. We need to stand and protect that.

We just went through a Remembrance Day ceremony where we honoured our veterans for going to war and risking their lives to secure the democracy and the rule of law and justice. Yet we see it eroding before our very eyes. We in the House, where we come to protect and promote it, have seen that eroded. I see members of Parliament from all sides of the House failing to stand and fight to continue the battle to protect our democracy. This is very important. The amendments that have been brought forward shine the light on the lack of accountability and transparency by the government.

One thing that really amazes me is we have a motion before us, we will vote on it and if it passes, how many members in the House feel the government will act on it. I can think of votes in the House giving direction to the government of the day and the government has totally ignored them. That not only shows the amount of corruption, but it shows a lack of respect for the democracy of the land and for the will of the public, by extension through individual members of the House.

Some of these motions have been pretty significant such as the hepatitis C file. I remember when that came to the House. It was an issue we had been fighting for many years. It was a directive by the members of the House of Commons to the government that those individuals outside of the 1986 to 1990 window should be compensated. Yet not one cheque has been signed to comply with that motion.

Supply

We saw the same thing with another one that I brought forward to the House on the sale of pharmaceuticals to the United States on Internet pharmacies. It was a directive by 288 members to zero in the House. Yet we have seen absolutely nothing from the government to give us any confidence that this will happen.

This happens all the time. This will be the 15th time. We will vote on this, the House will agree with the motion and the government will ignore it. That is contempt of Parliament if I ever saw it, and it has to stop.

• (1655)

Why is it so important for us to deal with the Access to Information Act? I think it has to be examined because there is a question here. How does the government think it is in the interests of Canadians to take their money and put it into foundations, for example, which already have \$9 billion in them, setting it aside so it can be hidden from them? Foundations are outside the purview of the Auditor General and outside access to information. It is as if the money the government puts into foundations has nothing to do with public money. It is as if it is Liberal money that the government is just sliding into a separate fund.

In light of the sponsorship scandal and the dollars we see going into foundations, we have to ask this question. What government in its right mind would take that amount of money and put it outside the Access to Information Act and the Auditor General's ability to investigate? I believe the government will have a difficult time answering that question.

I asked the Auditor General that question when she came to the health committee a little over a year ago. I was interested in one of those foundations, Canada Health Infoway Inc., which has \$1.2 billion. I asked the Auditor General if she was not concerned about the number of dollars being spent or not being spent in Health Infoway. She said she was concerned and would like to take a look at it, but it was outside her ability to do so. She said she was just as concerned about the other eight foundations that were set up by the government.

Nine billion dollars of taxpayers' money is sitting in these foundations. I am speaking of foundations like Genome Canada, the millennium scholarship fund and many others. Why would a government not set up foundations so the House and Canadian taxpayers can understand what is in them?

Therein lies the reason we sought two changes, one under a minority government, which was the ability for the Auditor General to access a bit of crack in the accountability of these foundations. We were able to get Bill C-43 passed, which provides the Auditor General with the ability to look at foundations. Hopefully she will be able to look at them, although I am not sure that will actually happen. It is supposed to. The other change is the motion before us today. We will see whether the government will actually comply with it. I believe we will win. I believe there will be another motion on the floor. We will see how that vote goes. But I do not think anybody is too convinced that it is actually going to happen.

Why is Canada Health Infoway so important? This is not just about money or accountability. The Health Infoway money is about the loss of lives. The Baker-Norton report estimated that 24,000

deaths occur in Canada's acute care centres because of a lack of information or medical errors. If Health Infoway had medical records following patients, that would go a long way toward saving many lives.

This is not just about a government that is trying to hide money for its own self-interest. This is not just about the foundations that were set up inappropriately and our inability to access information. This is about government accountability.

What do we have to do to fix this? Accountability measures will be brought in by the Conservative Party when we become the government after the next election. We will have to change the rules of the House, unfortunately, because they are not stiff enough. The Liberal government does not understand what it means to be a servant of the public.

The Conservative Party will change those rules so that no corporate money will go to any political organization or political party. We have to limit to \$1,000 any money going to a political organization.

We have to make sure there is whistleblower legislation so public civil servants know when they see corruption within government that they will have the opportunity to blow the whistle without losing their jobs or being disciplined.

We have to make sure that the rules regarding lobbyists change. Parliamentarians must not be impacted by those who have become lobbyists for five years after they have worked on the Hill or as senior bureaucrats or as members of Parliament.

We also have to give the Auditor General more power.

• (1700)

All of these measures have to be brought in. Why? Because we have to keep reminding the House, and now forcing the House, to understand that the job of members of Parliament is to represent the people who put them into office, not the people who lobby them or give them funds. That has to change in the House or we will not have democracy in this country. That is why it is so important that we change the act now. That is why we are going into an election: to have Canadians deal with this corrupt government.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have to disagree with the member. I want to lay out first of all that there is nobody in this place who does not agree that the Access to Information Act has to be modernized. The minister just spoke and laid out all of the ways in which he has been attempting to put that foundational framework proposal before the committee to have a pre-consultative process prior to a bill. That is the only delay. The committee did not get around to it. I am sorry.

Supply

I cannot support the motion because it has some serious problems. It says that we should extend the coverage of the Access to Information Act to all crown corporations, yet the member knows specifically that there are some like the Export Development Corporation, which has private information about other businesses that is of a competitive nature. It could not possibly be attractive to those businesses to have that competitive information exposed. This cannot be for all corporations. There have to be some exceptions. The motion does not provide for exceptions.

The motion refers to all officers of Parliament. The member knows that there is much private information. Let us take the Ethics Commissioner, who obviously has some very sensitive information. This motion says that has to be made available to the public. That may be of interest to the public, but it is not, however, in the public interest.

There are many other things here, but all we have to do is pick one. That is why I think it is unfortunate that the motion did not deal with the issue on a broader base. The member knows full well that we are talking about a motion which should be read in the context of "consider the advisability...". It is not incumbent on the government to implement specifically the motion but to take the House's advisement with regard to the matter, provided it is in the best public interest.

In this particular case, the motion concludes on a number of details which certainly cannot be acceptable, even under an act that we would have to vote on.

I would also point out to the member with regard to many of the foundations that the federal government is not the only funder. There are other problems in terms of jurisdictional things and even having all organizations that spend taxpayers' money here. That would include every provincial government and every group and organization across the country that gets any grant or some sort of subsidy. It is a flawed motion. It has to be defeated.

Would the member not agree that the motion would have been better if it had simply said that the Access to Information Act should be modernized with full recognition of the public need to know and the right to know, but with appropriate exclusions or exemptions?

• (1705)

Mr. Rob Merrifield: Mr. Speaker, I thank my hon. colleague for his question because it begs another question. He asked me whether it is worded properly, but I would say the question is this: why do we need to have it at all? When honourable people act honourably with the public purse, this is not needed. What we have is a government that has been caught with its hand in the cookie jar.

He talked about some of the foundations. He mentioned those to which he did not think this should apply, but he forgot to mention those like the Mint and what we saw with the affair of Mr. Dingwall. He did not mention Canada Post and what we saw happen at that foundation. He did not talk much about his sponsorship responsibility and the sponsorship scandal. He has not talked about a gun registry that went from \$2 million to \$2 billion. He has not talked about the HRDC scandal that went to \$1 billion. On and on it goes.

The reason we need to have some of the responsibility and accountability is that the government has inappropriately handled the

public purse. My hon. colleague should be ashamed of himself. He should stand up and apologize to Canadians and he should not be saying that he does not know if he likes the wording of this one and cannot actually support it because it is flawed in its language.

I think it is right in its intent. The only reason that it has to be there is that the intent is to deal with the problem of corruption within a Liberal government that has to be defeated. I believe the electorate of Canada will understand that full well and will deal with the Liberals at the appropriate time.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I want to deal specifically with two issues in this important motion by the member for Regina—Lumsden—Lake Centre.

One is clause (a) about expanding coverage of the act to all crown corporations, all officers of Parliament and all foundations. It is the foundations I want to focus on. Then there is clause (c) about establishing a duty on public officials to create the records necessary to document their actions and decisions.

The member for Yellowhead raised some of the issues that I think are germane to this conversation. Earlier, the justice minister talked about a meaningful democratic process and how critical it is to have access to information. When we are talking about democratic process and access to information, a variety of issues enter into this conversation. One of them is transparency. One of them is openness.

One is around the fundamental issue about demonstrating that the Canadian people can have confidence in the fact that their government is a well run government, in the fact that when taxpayers' dollars are being spent they are being spent in a way that is accountable and responsible and is producing the results that are important for Canadians.

The Minister of Justice also referred to the fact that the member for Winnipeg Centre had a private member's bill before the House. There was a discussion around whether the member would put that bill forward. It is the member's understanding and mine as well that the member for Winnipeg Centre had some assurance that if he dropped his private member's bill there would be a bill before the House to deal with this very important matter.

As we talk about access and transparency, I am going to talk about a couple of incidents, although I know my time is short. One is that the health committee currently is dealing with the issue of silicone gel breast implants.

A part of the access to information issues that this motion deals with is the issue of the records that officials keep. There were scientific panel hearings in March. The health committee asked for the minutes from those hearings only to discover that no minutes were kept.

For parliamentarians who want to find out what was conducted in those scientific hearings, which are going to be used to inform the minister's decision, there are no minutes. That is a huge problem. We have information that is germane to a decision and is important for parliamentarians to be aware of and we cannot access it.

It would seem to me that in most organizations when important decisions are being made and important recommendations are being made by key decision makers, there should be a record kept of how those recommendations were arrived at.

That is one example of the lack of information for parliamentarians. There is another example, although it falls loosely outside of the intent of this motion. The committee has also been attempting to get a 1996 cohort study that is being bounced from Health Canada to the Public Health Agency. We really cannot find this study. We cannot get access to this very critical piece of information. Access to information is fundamental to transparency and openness.

The member for Yellowhead talked about the Auditor General. I am going to talk specifically about the 2002 and 2005 reports of the Auditor General. I think it is important that in 2002 the Auditor General said about her findings that:

The essential requirements for accountability to Parliament—credible reporting of results, effective ministerial oversight, and adequate external audit—are not being met....

This is with regard to foundations and such.

The Auditor General also indicated in 2002 that:

Parliament is not receiving reports on independent, broad-scope audits that examine more than the financial statements of delegated arrangements, including compliance with authorities, propriety, and value for money. With a few exceptions, Parliament's auditor should be appointed as the external auditor of existing foundations and any created in the future, to provide assurance that they are exercising sound control of the significant public resources and authorities entrusted to them.

That seems to be a grave gap. We have billions of dollars going to foundations and yet Parliament has no oversight of this.

• (1710)

The Auditor General suggested a couple of key questions which I think are fundamental. It would be perfectly reasonable that parliamentarians and the public would have access to these key questions. The Auditor General suggested four key questions: Is there reasonable assurance that stewardship of public money is sound? Are the terms and conditions of the funding agreements generally respected? Is the arrangement achieving the intended public results? Are the programs and activities of the delegated arrangement consistent and coordinated adequately with related federal programs and activities?

When we are talking about foundations, it would seem that parliamentarians should have access to the kind of information that is laid out in these questions. These are fundamental. How are Canadian taxpayers' dollars being spent? Are they being spent responsibly? Are we getting the results that Canadian taxpayers expect from this kind of spending?

In 2002 we did not see a substantially different kind of circumstance, so here we are three years later hoping to see some sort of change in what is happening with foundations. The main points under the 2005 report again re-emphasize the issue. It states:

Despite a number of improvements to the framework for the accountability of foundations to Parliament, overall progress is unsatisfactory. Important gaps remain in the external audit regimen and ministerial oversight, two of the three areas examined in this audit. There is no provision for performance audits of foundations that are reported to Parliament nor do mechanisms from ministerial oversight

Supply

adequately provide for the government to make adjustments to foundations where circumstances have changed considerably.

With all that has happened with the sponsorship scandal and the lack of transparency and openness, we are continuing to see the lack of action in having foundations audited by the Auditor General.

An hon. member: Millions of dollars go this way.

Ms. Jean Crowder: Billions of dollars. Mr. Speaker, my colleague just pointed out the amount of money that is involved in this.

I would urge all members to support this very important motion so there is transparency and accountability to the Canadian taxpayer.

• (1715)

The Deputy Speaker: Order, please. It being 5:15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

• (1745)

[*Translation*]

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

(*Division No. 180*)

YEAS

Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
André	Angus
Asselin	Bachand
Batters	Beaumier
Bellavance	Benoit
Bezan	Bigras
Blais	Boire
Bonsant	Bouchard
Boulianne	Bourgeois
Breitkreuz	Broadbent
Brown (Leeds—Grenville)	Brunelle
Cardin	Carrie
Carrier	Casey
Casson	Chatters
Chong	Christopherson
Clavet	Cleary
Comartin	Côté

Supply

Crête	Crowder	Cannis	Carr
Cullen (Skeena—Bulkley Valley)	Cummins	Carroll	Catterall
Davies	Day	Chamberlain	Chan
Demers	Deschamps	Coderre	Comuzzi
Desjarlais	Desrochers	Cotler	Cullen (Etobicoke North)
Devolin	Doyle	Cuzner	D'Amours
Duceppe	Duncan	DeVillers	Dhalla
Epp	Faille	Dion	Dosanjh
Finley	Fitzpatrick	Drouin	Dryden
Fletcher	Forseth	Easter	Efford
Gagnon (Québec)	Gagnon (Saint-Maurice—Champlain)	Emerson	Eyking
Gagnon (Jonquière—Alma)	Gaudet	Folco	Fontana
Gauthier	Godin	Frulla	Fry
Goldring	Goodyear	Galloway	Godbout
Gouk	Grewal (Newton—North Delta)	Godfrey	Goodale
Grewal (Fleetwood—Port Kells)	Guay	Graham	Guarnieri
Guergis	Guimond	Holland	Hubbard
Hanger	Harris	Ianno	Jennings
Harrison	Hearn	Kadis	Karetak-Lindell
Hiebert	Hill	Karygiannis	Khan
Hinton	Jaffer	Lapierre (Outremont)	Lastewka
Jean	Johnston	LeBlanc	Lee
Julian	Kamp (Pitt Meadows—Maple Ridge—Mission)	Longfield	MacAulay
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)	Macklin	Malhi
Komarnicki	Kotto	Maloney	Marleau
Kramp (Prince Edward—Hastings)	Laframboise	Martin (Esquimalt—Juan de Fuca)	Martin (LaSalle—Émard)
Lalonde	Lapierre (Lévis—Bellechasse)	Mathews	McCallum
Lauzon	Lavallée	McGuinty	McGuire
Layton	Lemay	McKay (Scarborough—Guildwood)	McLellan
Lessard	Lévesque	McTeague	Minna
Loubier	Lukiwski	Mitchell	Murphy
Lunn	Lunney	Myers	Neville
MacKay (Central Nova)	MacKenzie	Owen	Pacetti
Marceau	Mark	Paradis	Patry
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)	Peterson	Pettigrew
Masse	McDonough	Phinney	Pickard (Chatham-Kent—Essex)
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)	Powers	Proulx
Menzies	Merrifield	Ratansi	Redman
Miller	Mills	Regan	Robillard
Moore (Port Moody—Westwood—Port Coquitlam)		Rodriguez	Rota
Moore (Fundy Royal)		Russell	Saada
Nicholson	O'Brien	Savage	Savoy
O'Connor	Obhrai	Scarpaleggia	Scott
Oda	Pallister	Sgro	Silva
Paquette	Parrish	Simard (Saint Boniface)	Simms
Penson	Perron	Smith (Pontiac)	St. Amand
Picard (Drummond)	Plamondon	St. Denis	Steckle
Poillievre	Poirier-Rivard	Stronach	Szabo
Prentice	Preston	Telegdi	Temelkovski
Rajotte	Reid	Thibault (West Nova)	Tonks
Richardson	Ritz	Torsney	Ur
Roy	Sauvageau	Valeri	Valley
Scheer	Schellenberger	Volpe	Wilfert
Schmidt (Kelowna—Lake Country)	Siksay	Wrzesnewskyj	Zed— 130
Simard (Beauport—Limoilou)	Skelton		
Smith (Kildonan—St. Paul)	Solberg		
Sorenson	St-Hilaire		
Stoffer	Strahl		
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)			
Thompson (New Brunswick Southwest)			
Thompson (Wild Rose)	Tilson		
Toews	Trost		
Tweed	Van Loan		
Vellacott	Vincent		
Wappel	Warawa		
Wasylcia-Leis	Watson		
White	Williams		
Yelich — 169			

NAYS

Members

Adams	Alcock
Anderson (Victoria)	Augustine
Bagnell	Bains
Bakopanos	Barnes
Bélanger	Bell
Bennett	Bevilacqua
Blondin-Andrew	Boivin
Bonin	Boshcoff
Boudria	Bradshaw
Brisson	Brown (Oakville)
Bulte	Byrne

Catterall	Carr
Chan	Catterall
Comuzzi	Chan
Cullen (Etobicoke North)	Comuzzi
D'Amours	Cullen (Etobicoke North)
Dhalla	D'Amours
Dosanjh	Dhalla
Dryden	Dosanjh
Efford	Dryden
Eyking	Efford
Fontana	Eyking
Fry	Fontana
Godbout	Fry
Goodale	Godbout
Guarnieri	Goodale
Hubbard	Guarnieri
Jennings	Hubbard
Karetak-Lindell	Jennings
Khan	Karetak-Lindell
Lastewka	Khan
Lee	Lastewka
MacAulay	Lee
Malhi	MacAulay
Marleau	Malhi
Martin (LaSalle—Émard)	Marleau
McCallum	Martin (LaSalle—Émard)
McGuire	McCallum
McLellan	McGuire
Minna	McLellan
Murphy	Minna
Neville	Murphy
Pacetti	Neville
Patry	Pacetti
Pettigrew	Patry
Pickard (Chatham-Kent—Essex)	Pettigrew
Proulx	Pickard (Chatham-Kent—Essex)
Redman	Proulx
Robillard	Redman
Rota	Robillard
Saada	Rota
Savoy	Saada
Scott	Savoy
Silva	Scott
Simms	Silva
St. Amand	Simms
Steckle	St. Amand
Szabo	Steckle
Temelkovski	Szabo
Tonks	Temelkovski
Ur	Tonks
Valley	Ur
Wilfert	Valley
Zed— 130	Wilfert

PAIRED

Nil

The Speaker: I declare the motion carried.

* * *

[English]

PRIVILEGE

SENDING OF DOCUMENTS BY MEMBERS OF PARLIAMENT

The House resumed from November 14 consideration of the motion, as amended.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the question of privilege in the name of the member for Bourassa.

● (1755)

[Translation]

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

(Division No. 181)

YEAS

Members

Adams	Alcock
Anderson (Victoria)	Augustine
Bagnell	Bains
Bakopanos	Barnes
Beaumier	Bélangier
Bell	Bennett
Bevilacqua	Blondin-Andrew
Boivin	Bonin
Boshcoff	Boudria
Bradshaw	Brison
Brown (Oakville)	Bulte
Byrne	Cannis
Carr	Carroll
Catterall	Chamberlain
Chan	Coderre
Comuzzi	Cotler
Cullen (Etobicoke North)	Cuzner
D'Amours	DeVillers
Dhalla	Dion
Dosanjh	Drouin
Dryden	Easter
Efford	Emerson
Eyking	Folco
Fontana	Frulla
Fry	Galloway
Godbout	Godfrey
Goodale	Graham
Guarnieri	Holland
Hubbard	Ianno
Jennings	Kadis
Karetak-Lindell	Karygiannis
Khan	Lapierre (Outremont)
Lastewka	LeBlanc
Lee	Longfield
MacAulay	Macklin
Malhi	Maloney
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)	Matthews
McCallum	McGuinty
McGuire	McKay (Scarborough—Guildwood)
McLellan	McTeague
Minna	Mitchell
Murphy	Myers
Neville	O'Brien
Owen	Pacetti
Paradis	Parrish
Patry	Peterson
Pettigrew	Phinney
Pickard (Chatham-Kent—Essex)	Powers
Proulx	Ratansi
Redman	Regan
Robillard	Rodriguez
Rota	Russell
Saada	Savage
Savoy	Scarpaleggia
Scott	Sgro
Silva	Simard (Saint Boniface)
Simms	Smith (Pontiac)
St. Amand	St. Denis
Steckle	Stronach
Szabo	Telegdi
Temelkovski	Thibault (West Nova)
Tonks	Torsney
Ur	Valeri
Valley	Volpe
Wappel	Wilfert
Wrzesnewskyj	Zed— 134

NAYS

Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
André	Angus
Asselin	Bachand
Batters	Bellavance

Supply

Benoit	Bezan
Bigras	Blais
Boire	Bonsant
Bouchard	Boulianne
Bourgeois	Breitreuz
Broadbent	Brown (Leeds—Grenville)
Brunelle	Cardin
Carrie	Carrier
Casey	Casson
Chatters	Chong
Christopherson	Clavet
Cleary	Comartin
Côté	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cummins	Davies
Day	Demers
Deschamps	Desjarlais
Desrochers	Devolin
Doyle	Duceppe
Duncan	Epp
Faille	Finley
Fitzpatrick	Fletcher
Forseth	Gagnon (Québec)
Gagnon (Saint-Maurice—Champlain)	Gagnon (Jonquière—Alma)
Gaudet	Gauthier
Godin	Goldring
Goodyear	Gouk
Grewal (Newton—North Delta)	Grewal (Fleetwood—Port Kells)
Guay	Guergis
Guimond	Hanger
Harris	Harrison
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Johnston	Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laframboise	Lalonde
Lapierre (Lévis—Bellechasse)	Lauzon
Lavallée	Layton
Lemay	Lessard
Lévesque	Loubier
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Marceau
Mark	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	McDonough
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)
Menzies	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	O'Connor
Moore (Fundy Royal)	Oda
Nicholson	Paquette
Obhrai	Perron
Pallister	Plamondon
Penson	Poirier-Rivard
Picard (Drummond)	Preston
Poilievre	Reid
Prentice	Ritz
Rajotte	Sauvageau
Richardson	Schellenberger
Roy	Siksay
Scheer	Skelton
Schmidt (Kelowna—Lake Country)	Solberg
Simard (Beauport—Limoilou)	St-Hilaire
Smith (Kildonan—St. Paul)	Thibault (Rimouski-Neigette—Témiscouata—Les
Sorenson	Thompson (Wild Rose)
Stoffer	Toews
Basques)	Tweed
Thompson (New Brunswick Southwest)	Vellacott
Tilson	Warawa
Trost	Watson
Van Loan	Williams
Vincent	
Wasylycia-Leis	
White	
Yelich— 163	

PAIRED

Nil

The Speaker: I declare the motion lost.

Private Members' Business

[English]

It being 6:01 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

● (1800)

[English]

CRIMINAL CODE

Mr. Myron Thompson (Wild Rose, CPC) moved that Bill C-329, An Act to amend the Criminal Code (arrest without warrant), be read the second time and referred to a committee.

He said: Mr. Speaker, right off the bat I want to make sure that a couple of things are understood. When I was listening to the television not too long ago one of the Liberal pundits was having quite a fit because the member for Wild Rose was going to get up and suggest such a thing as arresting without a warrant. Apparently she did not realize there is already a section in the Criminal Code that deals with arresting without a warrant. It is already there. This is just an attempt to amend that section and to strengthen it, to provide a tool in the toolbox that the police need so desperately in order to do a better job in their mission of providing better safety to our communities.

A major amendment to section 495(1) needs to be made. My bill would amend that section by adding the following paragraph:

(b.2) a person who wilfully fails or refuses to comply with a condition of parole or of an unescorted temporary absence or who, on reasonable grounds, he believes has breached or is about to breach such a condition; or

Maybe I should clarify that. Currently, paragraph (b) states that a peace officer may arrest without warrant "a person whom he finds committing a criminal offence, or". My bill would strike out the word "or" and would add the following after paragraph (b):

(b.1) a person who has committed the offence described in subsection 733.1(1) or who, on reasonable grounds, he believes has committed or is about to commit the offence;

(b.2) a person who wilfully fails or refuses to comply with a condition of parole or of an unescorted temporary absence or who, on reasonable grounds, he believes has breached or is about to breach such a condition; or

This is probably the fourth time I have introduced this bill and it has always died on the order paper, which very possibly could happen again. I also believe it is such an important measure that needs to be taken that perhaps we might rush it a little bit and it could pass through this place without any hindrances.

The purpose of this bill is simply to give a peace officer the power to arrest without a warrant a person who is in breach of a probation order binding that person, or a condition of that person's parole.

This bill was prompted by a resolution of the Canadian Association of Chiefs of Police in response to the controversial 1997 Supreme Court decision, *R. v. Feeney*. Everyone knows about that case. A similar resolution was also proposed by the Canadian Professional Police Association. This suggestion has been brought forward by police officers across the country for quite some time.

Current provisions of existing legislation and policies of Correctional Service Canada do not permit the timely arrest and detention of parole violators. Presently, the police can only notify parole officers when they believe that a person is in breach of a probation order. With a time delay, further crimes could be committed and are often committed. The bill I am presenting would remedy that situation. I think all members in the House would agree that we do not need people who are out on parole committing further crimes.

Let me give some practical examples. One example is if a person who has been convicted of rape is released on parole, one of the terms of his parole is that he is not to go within 1,000 feet of the victim of that rape. When on parole the person convicted of this offence goes to the home of the victim, stands outside, walks back and forth and intimidates that person. The person calls the police. The police react by going to the victim's home. They see that the terms of the parole are being breached, but they do not have a warrant to arrest and therefore, they must go away to try and get a warrant.

● (1805)

To further add to this situation, it may be the time of day. If it is during the night, a warrant may be impossible to get, or if it is in a rural or remote area, the problem is tenfold.

What I am saying is that the officer who observed that parolee breaking the condition of his parole by being within that 1,000 feet restriction should be able to arrest without warrant immediately, take the possible victim out of danger and hold the parolee until such time as the parole officer is contacted.

A second example is when someone has been convicted of murder and part of the terms of his parole is that he have no contact with the witness or witnesses who testified against him. However, in this situation the parolee goes to the home of the witness, which is an intimidating situation. The witness calls the police and asks the police to act. The police come but cannot act without a warrant. The police realize when they get there what the situation is but they cannot do anything until they get that warrant. Once again, I revert to the idea that it might take several hours or even days and by that time it could be too late.

A third example is when someone has been convicted of assault of a spouse or a child and part of the terms of the parole is that he or she must stay away from the spouse or child. However, in this situation the parolee intimidates the spouse or the child. The police are called but once again they are unable to take any action since the police cannot act without a warrant.

The bill simply would rectify all these situations and allow a police officer to make an arrest without having to get a warrant. That is called prevention, preventing further crime.

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Every member and every party in the House have said time and time again that we need to strengthen the Criminal Code to allow the police to operate, to help them prevent further crimes. I think everyone would agree that is extremely important.

Over the past 12 years there has been a continuous and relatively consistent message for the government to rectify this situation. I have been here for those 12 years and I know that is true, but nothing has been done. On examining the government's response, there seems to be three main objections to giving the police this authority.

The first objection the government always seems to mention is the belief that granting such authority to the police would in some way affect the delegation of authority of the National Parole Board to issue a suspension warrant.

What is being proposed by my private member's bill would not have any such result at all. The police should have the authority to arrest without warrant a person found breaching a condition of his or her parole. After making the arrest the police would be required to contact the CSC duty officer, or the supervising parole officer if he or she is available, who would make the decision whether or not to issue the suspension warrant. The suspension warrant would authorize the continuance of the arrest and would permit the police to deliver the person to the nearest correctional institution.

If the authorized correctional authority determined that the public had not been placed at undue risk by the breach, a suspension warrant would not be issued and the police would release the person unconditionally.

As I see it, an offender's compliance, that is, his following his release conditions, is probably one of the first steps toward demonstrating an intent to become a responsible citizen and change his way of doing things.

Non-compliance with a condition, however, creates an undue risk to the community which remains until it is addressed by the proper authorities. This kind of risk must be acted on immediately. Any delay in acting upon this undue risk could cause some person somewhere to become another victim of that particular person.

● (1810)

The second objection quite often given by the government when these items are talked about is it feels that giving the police this authority would significantly increase their workload. That is not true at all. Currently, if the police find a person in breach of a parole condition, they must let the person go on his way and report the contact to the CSC duty officer of the supervising parole officer. If a suspension warrant is issued, the police have to find the offender again and then execute the warrant and hopefully, it is not too late.

That has been made even more complicated recently due to the legislative requirements arising from the Feeney decision of the Supreme Court of Canada. If the police or parole authorities believe the offender can be found in a residence, they must obtain a special form from a justice to permit the execution of the warrant in the dwelling.

Personally, I think the adoption of this bill would increase the number of apprehensions for violations, thereby decreasing the number of new offences. Cost savings would be achieved by not

having to prosecute the offender on new charges if he or she were arrested and suspended for a conditional release violation. More important, fewer people would be victimized.

The third objection I often hear from the government is that the police might abuse this authority and needlessly harass those people on parole who are trying to become responsible citizens. There is no basis for that suggestion whatsoever.

The police are continually expected to do more with less. Resources are stretched to the limit. The police do not have the time or the inclination to actively supervise the parole population. That job is for the parole officer. Usually the police only get involved with those individuals as a result of a complaint or simply a chance meeting.

Every parent in the country would be happy if they knew the police could immediately arrest a released pedophile who was seen near a playground or a school yard, because he was in violation of his parole and was not to be near children. That might give parents a lot more comfort than the way it is now in the Criminal Code. I am saying in the Criminal Code because I know of some jurisdictions that may allow the police to detain these individuals, but it is not in the Criminal Code. The purpose of this bill is to get it in there in order to give the police an extra tool when they are doing their job of protecting society.

The court decision in Feeney has been roundly criticized. It has been noted that in recent years the courts have begun to slowly chip away at the section 8 guarantee in the charter regarding the warrant in the search and seizure area, which is pretty well indicative of society's commitment to community values and to major crime control.

There are currently some sections of the Criminal Code that allow for an arrest without a warrant. A car could be searched under certain circumstances without a warrant, or a suspicious vehicle could be stopped and searched without a warrant.

A number of incidents have occurred by people on parole or on probation simply because the police have been left defenceless and unable to prevent those individuals from committing a crime.

● (1815)

I want to emphasize that one more time. There is not one party in this House that has not continually said we must do more to prevent crime. That is exactly what this private member's bill will do. This private member's bill was put together because of the possible and potential victims in our land, and because of the people who are on parole and probation violating those conditions. Once they are seen and once they are spotted by the police, arrest without warrant makes completely good sense. Let us think of the victim, not the criminal.

Mr. Rick Casson (Lethbridge, CPC): Madam Speaker, I want to thank my colleague from Wild Rose for bringing this important bill forward.

Private Members' Business

He mentioned quite a few scenarios of some of the people who could be protected if the police were given this power. It is not a parole issue, but I often think of people who have restraining orders against them, who just walk right through those restraining orders and harm someone they know and have some kind of vendetta against.

He also talked about children. He and I worked together recently on a private member's bill to raise the age of sexual consent in Canada. Sadly, that was defeated, but that fight is not over. We will continue that another day.

I would like him to expand on the fact that the main focus of what he is proposing here is to protect Canadians. We all know that the first and foremost job of any government is the security and safety of the citizens of the country. Could he expand on some of the scenarios where he sees that this piece of legislation would help protect Canadians?

Mr. Myron Thompson: Madam Speaker, what I have seen and what I have been told by different police officers all across the country is frightening. Those who have endorsed the proposition through the Canadian Police Association and other organizations to do something about giving the police the authority to stop crime before it happens is phenomenal.

The most frightening scenario that I have heard is police officers saying that it is sad when they see an individual in a schoolyard area or a park, whom they know has been ordered to stay away from children. They have been ordered not to be there. That is frightening.

Let us give the police the authority to arrest him on site and contact the parole officer after. Do not let him go on his way while the police spend time hunting down the parole officer or reporting it to CSC. That is what they want to be able to do. In some jurisdictions, I know that they do that. They are probably doing it illegally because it is not allowed in the Criminal Code.

All I want to do is protect the police officers from being harassed by a government that fails to recognize that arrest without warrant is sometimes essential. I believe that could be extremely essential and that is being reported to me by many police officers.

• (1820)

Mr. Rick Casson: Madam Speaker, the member for Wild Rose has been working on justice issues for the 12 years he has been in the House, which is quite a lengthy session. Before that he worked with children as a school teacher. He is a citizen of Canada now but he was born in the United States. He has quite a history of standing up for people who do not have enough strength to stand up for themselves in some cases.

The issue of this private member's bill, which he just mentioned now, is the fact that it is really not changing what gets done. What he is asking for is a change in the order or precedence where somebody who is seen to be breaking parole can be taken into custody and then the due diligence is followed up after that. However, getting that person away from a dangerous situation where the public is at risk is the idea.

I would like him to explain a little more about the fact that it is not really asking for a huge amendment in the Criminal Code. It is just

asking for a different order of precedence when it comes to taking these people back into custody.

Mr. Myron Thompson: Madam Speaker, in paragraph 495(1)(b) of the Criminal Code it simply explains that there are circumstances when police officers have the authority to arrest without warrant. However, it does not provide any opportunity for an officer to arrest someone who is in violation of a parole or probation order, whether it be to stay away from the spouse, from an area, out of the bars or whatever the case might be. When that parolee or individual who is on probation is spotted and reported, the police must first, under the law, contact CSC and a parole officer.

It might be that they are able to do it very quickly, but if it is late at night, it is not going to be very quick or if it is in a rural area or a remote area, I can guarantee it will not be quick. My question is, before the police can properly respond to that situation with a warrant, how much damage would already be done?

Unfortunately, there are too many cases like that where people have reoffended because the police were not able to act. The law would not allow them to. Let us give them that tool. They want to do their job to the best of their ability. They want to protect society, so let us give them all the tools that they need to do that job.

I want to emphasize once more, there is not one party, not the Liberals, not the Bloc, not the NDP, and not the Conservatives, that I have heard say that the best solution to a lot of our problems is to look for those things that can prevent crime. The police believe extensively that this would be a major prevention and would be essential to the safety of our citizens.

• (1825)

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I rise today to speak to the amendments to the Criminal Code proposed by the hon. member for Wild Rose in Bill C-329.

[*Translation*]

The bill summary tells us that the purpose of this enactment is to give a peace officer the power to arrest without a warrant a person who is in breach of a probation order binding the person or a condition of the person's parole.

As you know, Madam Speaker, the Criminal Code already contains provisions that enable the police to arrest persons without a warrant. It might be instructive, however, if we took a few moments to review these provisions.

[*English*]

Subsection 495(1) of the Criminal Code provides the police with the power to arrest without warrant a person whom first, the officer believes on reasonable grounds has committed an indictable offence, which would be in the past; second, who the officer believes on reasonable grounds is about to commit an indictable offence, which would be a future offence; or third, one who is actually committing a criminal offence, which would obviously be in the present.

However, this power of arrest without warrant is circumscribed by subsection 495(2) of the Criminal Code. Here is what subsection 495 (2) provides:

- (2) A peace officer shall not arrest a person without warrant for
(a) an indictable offence mentioned in section 553,

Theft where the alleged value of the subject matter of the offence does not exceed \$5,000 would be an example of such an offence. It continues:

- (b) an offence for which the person may be prosecuted by indictment or for which he is punishable on summary conviction, or
(c) an offence punishable on summary conviction,
in any case where
(d) he believes on reasonable grounds that the public interest, having regard to all the circumstances including the need to
(i) establish the identity of the person,
(ii) secure or preserve evidence of or relating to the offence, or
(iii) prevent the continuation or repetition of the offence or the commission of another offence, may be satisfied without so arresting the person, and
(e) he has no reasonable grounds to believe that, if he does not so arrest the person, the person will fail to attend court in order to be dealt with according to law.

In other words, while the Criminal Code authorizes the police to arrest a person without an arrest warrant in circumstances that would allow a peace officer to reasonably believe that the person is connected to the commission of a criminal offence, it also places reasonable limits on that authority.

Reading subsection 733.1(1) of the Criminal Code, the offence of failure to comply with a probation order, and paragraph 495(1)(a) together, it is clear that a peace officer already has the power to arrest without a warrant a person who has committed the offence described in subsection 733.1(1), or who on reasonable grounds he believes has committed or is about to commit the offence. This would appear to make the proposed new paragraph 495(1)(b.1) redundant.

The new paragraph 495(1)(b.2) of the Criminal Code proposed by Bill C-329 would authorize police officers to arrest without warrant persons who fail to comply with a condition of parole or unescorted temporary absence.

Members should know that non-compliance with a parole condition or a condition attached to an unescorted temporary absence is not a criminal offence. The law is clear. If the act which constitutes the parole violation is in fact the alleged commission of a criminal offence, then section 495 would authorize the arrest without a warrant.

This proposed legislation would give the police the power to arrest without warrant for a mere curfew violation or some other matter which is not a criminal offence and then prevent the release of that person.

What is being proposed here is arrest without warrant for conduct which is not a criminal offence, followed by imprisonment without trial. Just what is to become of that person is not clear. I suppose that the individual would have to apply to the courts for a writ of habeas corpus to secure a release.

These are matters addressed under the Corrections and Conditional Release Act and essentially such conduct should lead to the cancellation of the unescorted temporary absence and the issuance of an apprehension warrant, and where the police officer believes, on reasonable grounds, that such a warrant is in force, he or she may

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arrest the person without warrant and remand the person into custody.

● (1830)

[*Translation*]

Similarly, when an offender breaches a condition of parole or statutory release, the person's parole or statutory release may be cancelled and a warrant of apprehension may be issued, and where a peace officer believes on reasonable grounds that such a warrant is in force, he or she may arrest the person without warrant and remand the person into custody.

[*English*]

The supervision of offenders on conditional release is a function assigned solely to parole supervisors under the Corrections and Conditional Release Act. The decision to suspend the conditional release for a breach or to prevent a breach under the CCRA rests with the correctional authorities and the National Parole Board.

When conditional release is suspended, whether for a breach or to prevent a breach, then and only then is there a warrant issued for the arrest of the individual. The proposed Bill C-329 would conflict with the Corrections and Conditional Release Act and its underlying principles.

I suggest the proposed legislation is misdirected and ineffectual as a legislative proposal. The bill is unnecessary. It would not contribute to enhancing the safety of Canadians or making the criminal justice system more effective.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Madam Speaker, Bill C-329 was introduced in first reading by the Conservative member for Wild Rose on February 1, 2005 and put on the priority list on June 20, 2005. This will be its fourth appearance in the House of Commons since 2001.

Bill C-329 amends the Criminal Code in order to give peace officers the power to arrest without a warrant a person who is in breach of a probation order, or a condition of parole or unescorted temporary absence.

I should point out to begin with that arrest without warrant by a peace officer is already in the Criminal Code, so this is nothing new.

At the present time, the Code allows a peace officer to arrest without warrant a person who has committed an indictable offence or is about to commit an indictable offence. He must have reasonable grounds to believe the person has committed or is about to commit an indictable offence. A peace officer can also arrest without warrant a person who is in the process of committing a crime or one in respect of whom he has reasonable grounds to believe that a warrant of arrest or committal is in force. This is all set out in subsection 495(1) of the Criminal Code.

Bill C-329 proposes to broaden the list of situations in which an arrest may be made without warrant. The first condition added is if a person is in breach of a probation order; second, if a person wilfully fails or refuses to comply with a condition of parole; third, if the person wilfully fails or refuses to comply with a condition of unescorted temporary absence

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Bill C-329 therefore allows a peace officer to arrest without warrant a person who is in breach of a probation order, or who, on reasonable grounds, he believes has committed or is about to commit the offence. A peace officer may also arrest without warrant a person who wilfully fails or refuses to comply with a condition of parole or of an unescorted temporary absence or who, on reasonable grounds, he believes has breached or is about to breach such a condition;

The Bloc Québécois continues to believe in and support the principle of rehabilitation. Probation orders, unescorted absences and parole orders are effective means of rehabilitation that have proven their value.

The Bloc recognizes that rehabilitation measures have sometimes failed and allowed offenders to commit new crimes. We still believe that society has no choice but to promote measures to return people who have broken the law to society. There is always an element of risk associated with rehabilitation. The aim must be to lower the risk at all times, knowing full well that it will never reach zero.

The justice system will never be perfect. Judicial errors occur, for example, such as the one involving David Milgaard, who was sentenced at 17 to life in prison for a murder he did not commit.

The system's failings must not lead us to throw the baby out with the bath water. We have to resist the temptation to reject the system's basic principles, such as rehabilitation. Instead, we must increase guarantees of security, surveillance methods and instruments of action in order to strike a balance among public security, the need to promote rehabilitation and the importance of maintaining public trust in the judicial system.

To ensure this balance, offenders authorized to move about in the community must meet all the conditions set for them either by a judge or by a parole commissioner. The system's credibility and the public's trust depend on the ability of the police to have the conditions met. So peace officers must have the means necessary to intervene quickly when parole conditions have been violated.

Bill C-329 will give peace officers the power to prevent offenders from violating their conditions of parole, probation or absence and to return them quickly before a judge when they have violated one of the conditions of release.

• (1835)

It is therefore in this perspective that the Bloc Québécois supports the principle of Bill C-329. It represents, in our opinion, an important surveillance and intervention instrument that will better protect the public, give a measure of credibility back to the judicial and correctional system and still permit recourse to the rehabilitation measures the Bloc believes in.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, I believe the bill before us this evening, Bill C-329, is an attempt on the part of the mover of the bill to shift responsibility with regard to enforcement of provisions that are imposed upon people who have been accused or have been charged and are either out on bail conditions, recognizance or, if convicted, on parole.

We have an existing system for how this works. I think we have to look at the law from that perspective and recognize, I suppose,

historically, if I can start from that vantage point, that for more than 400 years, arguably as far back as the Magna Carta, society has looked very closely at how we treat individuals within our society and when we require our enforcement officers, whether they be police or other agents, to have the judicial authority to apprehend someone or to actually conduct search and seizures of property.

We have a lengthy history of doing this and it is a constant balance. I believe what is being attempted here is to shift that balance somewhat. The provisions of the bill, as it stands now, would be to implement in the Criminal Code additional authority for our regular police officers to charge, apprehend and arrest without warrant individuals who had breached the terms of their conditions of release on parole.

The argument that we hear being made to support the purpose of this bill and its passing into law is that police officers need this authority. I think we have to stand back, look at that and say that there is other legislation, specifically the Corrections and Conditional Release Act, that already empowers agents in those agencies to enforce the provisions of that act.

The argument we hear against that is that it is just not working very well. My answer to that is an amendment, not to the Criminal Code to shift authority, but an amendment to the Corrections and Conditional Release Act. I think there may be some merit to considering that.

We have certainly seen a number of cases in the country where individuals, either charged or convicted of crimes, who obviously were not benefiting from the restrictions they were supposed to be functioning under and in fact were abusive of those conditions or terms of release and were ignoring them or breaching them on a regular basis. I therefore believe there are strong arguments for tightening this up but the tightening up should occur under that legislation rather than the Criminal Code.

When we go back to look at our long history of determining people's rights to security of the person, that is, from unreasonable arrest, we put quite clear restrictions on when police officers and enforcement officers under the Criminal Code can apprehend without an arrest warrant. What I believe we would be doing under this bill is interfering with the role that we have imposed on agents, whether they be parole officers or agents at the provincial level who enforce these conditions, and leaving to them, which is what I believe we should do, the authority to enforce. If it is not working that well, then we should amend that act and provide them with additional authority.

• (1840)

My final point is on the existing provisions within the Criminal Code. We have heard a bit of it this evening about the need to add this additional authority to our police officers for them to be able to prevent crimes from being committed by individuals who are out under bail conditions, recognizance or on parole. Subsection 495(2) (d)(iii) of the Criminal Code has a specific provision that allows police officers to arrest without warrant when it would "prevent the continuation or repetition of the offence or the commission of another offence".

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If police officers have reasonable grounds to believe that an offence is being committed or will continue to be committed, under the existing Criminal Code, they can arrest without a warrant. With regard to prevention, the code already has those provisions in it. This to some degree would be duplicitous. More important, and I come back to the essential point, this enforcement to deal with people who abuse their bail or parole conditions should be left under the Corrections and Conditional Release Act and to the officers and agents who are responsible thereunder.

● (1845)

Mr. Mark Warawa (Langley, CPC): Madam Speaker, it is an honour to speak to the private member's bill that my colleague from Wild Rose has introduced. I will start off by condensing the purpose that we, as legislators, have to ensure that the safety of Canadians is utmost.

It is tragic that the Prime Minister and the Minister of Justice have fallen down on that job and have provided us a legacy of being soft on crime. It has left Canadians at risk. To compensate for the Liberals philosophy of not doing their jobs, my Conservative colleagues and I have had to create a number of justice related private members' bills to address the concerns of Canadians and the concerns of safety.

Today, we are looking at one of those examples, Bill C-329, an act to amend the Criminal Code, to arrest without warrant. My hard-working colleague from Wild Rose has been pursuing a number of different private members' bills over the last 12 years. I want to give him the credit he deserves.

For 12 years we have been in an environment like the one we heard a moment ago from the parliamentary secretary. He read a prepared script from the government in which it said that it was sorry but it would not arrest people. Even though people are going down the road into a crime cycle, even though they will commit crimes, there is no indictable offence so they will not be arrested. That is the legacy. The member for Wild Rose has shown patience in putting up with that for 12 years.

I will share some examples of where the Liberals have fallen down on the job. I hope members of the House will support the hon. member for Wild Rose because he has done an incredible job.

The purpose of Bill C-329 is to give a peace officer the power to arrest without a warrant a person who is in breach of a probation order or a condition of the person's parole. The bill was prompted by a resolution from the Canadian Association of Chiefs of Police in response to the controversial 1997 Supreme Court decision, *Regina v. Feeney*. A similar resolution was also prepared by the Canadian Professional Police Association.

I would like to refer to the Feeney case. It involved the bludgeoning murder of an 85 year old B.C. man. The police, suspecting that Feeney was the culprit, went to the window of the trailer Feeney used as a residence. Unable to arouse Feeney, the police entered the trailer and found him sleeping. The police seized blood-soaked clothing and other evidence of the offence and arrested him for the murder. Feeney was convicted, based in part on the evidence seized after the police entered the trailer. One of the issues confronting the Supreme Court of Canada was the admissibility of the blood-soaked shirt and other evidence seized in the trailer.

The court overturned its previous decision and held that in order for the police to enter and search a dwelling to search for and to arrest a person, prior authorization, a warrant, was required.

The question we asked is, are those reasonable limits? The person who was convicted was involved in a bludgeoning murder, beating a person to death, an 85 year old man in B.C. and Feeney's conviction was overturned because the police did not have the authority to look in that trailer. I do not think those are reasonable limits and I think most Canadians would agree. I think most Canadians agree that we need to give police appropriate authority.

Existing legislation in policies of Correctional Service Canada do not permit the timely arrest and detention of parole and probation violators. Presently, the police officers can only notify probation officers when they believe that a person is in breach of an order. With a time delay, further crimes are often committed.

The bill would remedy this situation and give law enforcement more tools to deal with repeat offenders. The government has indicated that this is something that needs to be changed, but it continues to dither and not take real steps to address the problem. The Liberal government lacks any genuine concern and action on victims' rights.

● (1850)

Preventing crime and protecting victims means reducing the opportunities for people to commit new crimes. We must change the law to tell parole and probation violators that the days of the law turning a blind eye to crimes committed while they are on parole are over.

From now on, crime prevention should include the ability of law enforcement officers to make arrests without warrant. The controversial decision of *Regina v. Feeney* is an example of where the courts are making significant decisions and leaving it up to parliamentarians to enact legislation to protect our communities, and that is what we have to do today.

I would like to highlight another example where the courts have made decisions to do with probation and Parliament needs to act, and that is the Shoker decision. I was at a B.C. probation officers forum about two weeks ago and this came up. They are very concerned about their ability to enforce conditions of release. The conditions of release are not meaningless. We have heard from the parliamentary secretary that they are not enforceable. If they are breached, it is not a criminal offence. These conditions are put upon release to ensure that criminals do not start down this crime cycle.

This is the Shoker story. He was convicted of break and enter with the intention of committing sexual assault after he broke into a home in Abbotsford at midnight of September 7, 2003. While naked, he attempted to climb into the sleeping woman's bed. The victim, who was married to an RCMP officer, jumped out of bed screaming and called 911. Her husband then arrived and arrested Shoker.

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Shoker, who has used heroine, speed, cocaine and marijuana, said that he was not thinking straight because he was on drugs. He was sentenced to 20 months in jail and two years' probation. He had earlier lost his driver's licence to an accident caused by his drug impairment and a psychologist testified that Shoker showed a lack of insight into the seriousness of his substance abuse problem. He was previously charged and acquitted of entering the home of another sleeping woman and pulling the blankets off of her also.

Last year the B.C. appeal court ruled the probation condition that offenders abstain from drugs or alcohol and also to require that offenders undergo periodic urinalysis, blood testing or breathalyzer tests were unconstitutional. That condition appears on thousands of probation orders across our country. Now that cannot be enforced. Offenders cannot be forced to submit to urinalysis or blood tests to determine whether the offender, who is out on release, is going down the crime cycle.

The B.C. appeal court deleted the probation condition requiring Shoker to supply body samples on request because it concluded that there were simply no safeguards in the Criminal Code that would prevent authorities from demanding and seizing the offender's bodily samples arbitrarily.

Back to the comment made by the parliamentary secretary. Are these reasonable limits? I do not believe they are. It is not reasonable to allow somebody, who is going down a crime cycle, to start into drugs, or pornography or whatever it is that drives them into their crime cycle. If these people are released with conditions, the conditions have to be enforced.

This is what the hon. member for Wild Rose is saying. The police know these people. They deal with them. They know them by name. The police need the authority to intervene when they know people are going down these crime cycles. If it is 2 o'clock in the morning, it is not practical to try to make contact with a probation officer. The member is saying to give the police the authority to remove that person if they are in a crime cycle. The police know it.

It is a good bill. The member has been trying for four sessions in Parliament and we still have the same opposition, the same excuses to protect the criminals and not the victims, not Canadians. It is our responsibility to create good legislation. Bill C-329 is good legislation and I encourage every member of the House to support it.

• (1855)

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Madam Speaker, I am pleased to have the opportunity to join in this second reading debate on Bill C-329, an act to amend the Criminal Code of Canada.

This bill would empower a police officer to arrest without warrant a person allegedly in breach of a probation order or an offender who is alleged to have breached a condition of conditional release such as parole or temporary absence.

From a federal perspective, our concern lies with the power of arrest without warrant as it applies to federal offenders on parole or temporary absence.

I am aware that this matter has been before the House on a number of occasions before I came here. Therefore, the details of this fairly

simple and direct proposal have been discussed a number of times by previous speakers in the course of previous debates.

There may not be much to be said with regard to the specifics of this legislation, but I do want to view it from a broader perspective and give it the attention it deserves.

Many of our constituents across the country, certainly those from Dartmouth—Cole Harbour, have strong opinions on the way the criminal justice system should work. I welcome this bill as a basis for the discussion of some of the legislation that frames the system. I would like to outline for fellow members and for interested Canadians who may be following this some of the background that I think should be considered each time reform of the laws governing criminal misconduct is undertaken.

The Criminal Code of Canada is the focus of the amendments that the hon. member for Wild Rose proposes to amend. This represents but one of many interrelated statutes that have evolved to guide us in our daily conduct and to exact accountability when societal norms and values are violated.

The Youth Criminal Justice Act, the Income Tax Act, the Fisheries Act, the Narcotics Control Act and the Official Secrets Act are just samples of the federal statutes that exist to control behaviour and to exact accountability when their provisions fail to deter.

Also, in the consideration of Bill C-329, the provisions of the Corrections and Conditional Release Act are certainly relevant. This is because the measure before us would undermine that legislation.

I believe it is important that the record of the debate on this proposed legislation shows the course followed by most apprehended offenders, from the point of commission of an offence to the determination of their penalty.

In a typical case, an individual may be arrested by a police officer who, although operating in accordance with local policies and procedures, is ultimately answerable to a provincial government. Each province, through the provisions of our Constitution Act, exercises responsibility for the administration of the Criminal Code and related federal statutes as well as any ancillary laws that I have mentioned.

The case would then proceed within the provincial jurisdiction to a crown attorney, who takes the facts to court. If the judge determines guilt and the sentence is a fine, probation or incarceration for less than two years, the offender will remain in the provincial purview. Should the sentence be of two or more years' duration, however, he or she will become the responsibility of the Minister of Public Safety and Emergency Preparedness Canada and the administration of the sentence will fall to the Correctional Service of Canada and, finally, the National Parole Board.

Most of those convicted will at some stage encounter one or more voluntary organizations which often assist in the supervision of those who are conditionally released and offer assistance in preparing offenders for their reintegration back into the community. Most offenders will serve the last days of their sentences in the community, whether subject to the conditions of parole or statutory release.

Under the provisions of this bill, every one of them would in this period essentially be subject to arbitrary arrest. That is the concern. By supporting supervision by police as proposed by this bill, we would be sanctioning the detention of those on conditional release for actions that would not result in arrest for any other Canadian.

I join other speakers by reiterating that our police have power to detain anyone they encounter who they believe to have broken any law or to be a danger to themselves or others. Section 31 of the Criminal Code authorizes the arrest without warrant of anybody who has committed a breach of the peace or who, on reasonable grounds, is believed to be about to engage in a breach of the peace.

I do not know how much more we believe the police need to carry out their duties. We all want the police to have the appropriate powers to carry out their duties and this bill addresses that. The question is, how much do they need? Therein lies the difference.

The system is not simple. From municipal to provincial jurisdiction, from the correctional agencies of the federal system to the voluntary sector, it is important that we keep in mind the number of diverse players in criminal justice.

• (1900)

The vast majority of offenders will serve the latter portion of their sentences under supervision in the community. There may be some who require more control or more assistance and perhaps more vigilance on the part of those who are entrusted with their supervision.

These supervisors have the power to end release programs if it is likely that an offender will reoffend. They will issue a warrant of apprehension where a breach of a condition of parole or temporary

Private Members' Business

absence has occurred or where it is necessary to prevent a breach or to protect society. The supervisors are available to issue a warrant 24 hours a day and will often do so in collaboration with police. Moreover, as I said, police already have the power to arrest without warrant an offender they see committing a criminal offence.

Given the complexity of the criminal justice system, the amendment of one act necessitates the adjustment of related acts, and changes in one sector of responsibility may affect all other sectors. Therefore, I believe that the resources of the House and the committee system might better be employed in an effort to make considered, coherent and comprehensive reforms rather than a single adjustment to one act.

I appreciate the efforts of the hon. member for Wild Rose. I recognize that in general terms a private member's bill might well be a suitable beginning to necessary reform. I must nonetheless, however, offer my opinion that every attempt should be made to address all possible issues arising from this proposal within a deliberate consultative process before that action is taken involving the House.

The Deputy Speaker: The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

Pursuant to order made Thursday, November 3, 2005, the House shall now resolve itself into committee of the whole to consider Government Business No. 21. I do now leave the chair for the House to go into committee of the whole.

[For continuation of proceedings see Part B]

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OFFICIAL REPORT
(HANSARD)

**Tuesday, November 15, 2005
(Part B)**

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 15, 2005

GOVERNMENT ORDERS

[Continuation of proceedings from Part A]

[Translation]

CANADA'S MILITARY MISSION IN AFGHANISTAN

(House in committee of the whole on Government Business No. 21, Mr. Chuck Strahl in the chair)

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.) moved:

That this Committee take note of Canada's military mission in Afghanistan.

● (1900)

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Chair, I am very pleased that my colleague, the Minister of Defence, proposed this evening's debate here in this House. I am grateful to him for allowing me to speak so soon even though he was the one who proposed this very important debate.

I am addressing the House today to speak about the remarkable work Canada has accomplished in Afghanistan.

Our country plays a leading role in the international action to help Afghanistan become a stable, democratic, self-sufficient state that respects human rights and that will never harbour terrorists again. Achieving this objective is essential to maintaining peace and international security, and to bringing about a secure and prosperous future for the people of Afghanistan. Afghanistan, which is recovering after more than 20 years of conflict and drought, remains one of the poorest countries in the world, a major source of narcotics and therefore a fragile state. Canada provides an essential contribution to this country.

In order to optimize our intervention in Afghanistan, we must adopt a strategic approach based on the unparalleled added value Canada can offer. Our commitment in Afghanistan is a concrete manifestation of the international policy statement that calls for a government-wide approach based on pursuing our strategic interests abroad.

Canada's commitment in Afghanistan is based on specialized knowledge and the contributions of various federal departments and agencies, such as Foreign Affairs, National Defence, CIDA and the RCMP, or what we call the three *ds*, meaning diplomacy, defence and development assistance, in a coordinated and integrated manner.

With regard to our diplomatic commitment, which I will focus on—my colleagues from National Defence and Development will follow—Canada opened an embassy in Kabul in September 2003.

This embassy provides the diplomatic presence needed to ensure effective support for Canadian defence and development efforts in close collaboration with our Afghan partners and the international community. Canadian diplomats elsewhere are also working to support the work being done in Afghanistan, particularly at NATO and the United Nations, and through the G8.

Thanks to recent provincial and parliamentary elections, Afghanistan has fulfilled the initial requirements of its democratic transition as set out by the Afghans and the international community, when they met in Bonn in 2001. Other achievements, within the framework of the Bonn process, include the adoption of a constitution and presidential elections.

Canada has been a key supporter of the transition to democracy in Afghanistan. The resources deployed at all levels of government in support of the recent elections there are clear evidence of this. The contribution comprised financial support, the sending of election observers, and assistance to the Afghans in maintaining security throughout the electoral process from the beginning right through to election day.

By declaring themselves as candidates, a decision liable to put them in danger, by going to the polls despite the risk to their safety, by speaking out in favour of reform, the Afghans have shown their support for change.

Democracy has now taken root in Afghanistan and is starting to bear fruit, particularly in establishing the people's confidence and pride in their own country.

● (1905)

[English]

Canada's efforts have helped Afghanistan achieve real results in other areas as well, in particular in reforming the security sector. The demilitarization agenda is critical to stability in Afghanistan. The successful completion of the first two phases of the disarmament, demobilization and reintegration program in Afghanistan this past July saw some 63,000 former combatants lay down their arms.

Canada has played an important role in this process, fostering political support through diplomatic channels, the second largest donor, disbursing close to \$21 million in support of the program and providing a secure environment for former combatants to disarm.

We remain committed to the final phase of the process, reintegration, and we will continue to work with the United Nations and our international partners to ensure its successful completion.

Canada was instrumental in the establishment of a highly successful heavy weapons cantonment process in Afghanistan, the same weapons that were used to destroy much of the country. Our top military officials, working closely with the Canadian embassy in Kabul, helped to create the momentum and will for a program that many thought was impossible. Thanks to Canadian efforts, over 10,000 tanks, heavy artillery and other weapons are now safely secured.

Afghanistan is one of the most mine affected countries in the world, with over 800 victims per year. In 2003, Afghanistan acceded to the Ottawa Convention on Landmines. Canada is a lead donor in mine action, having contributed approximately \$47 million to mine action assistance in Afghanistan since 1989. These funds have helped to clear 10 million to 15 million mines in Afghanistan.

There is no question that important progress has been made. Afghanistan is on the road to recovery. The challenge now is to ensure momentum continues. We will work with Afghanistan and our international partners to consolidate and build on the achievements of the last four years.

An example of this is the recent deployment of Canada's provincial reconstruction team to Kandahar. In order to respond to the multifaceted and complex nature of reinforcing the authority and building the capacity of the Afghan government in Kandahar, the provincial reconstruction team brings together Canadian Forces personnel, civilian police, diplomats and aid workers in an innovative and integrated Canadian effort of the three Ds of diplomacy, defence and development.

With the provincial reconstruction team and the February 2006 deployment of a 1,500 strong task force and brigade headquarters, Canada has positioned itself to play a leadership role in southern Afghanistan and provide an enabling environment for Afghanistan's institutional and economic development.

In order to effectively approach outstanding challenges, the first step is to recognize and empower Afghan leadership. This requires a commitment to take the necessary steps to ensure that Afghan authorities have the capacity to carry out their required functions. We support an intensified focus on institution building and emphasize the need to ensure that international community efforts result in systemic changes. It is only by building lasting capacity that we can ensure that our investment lasts long beyond our engagement.

Canada has emphasized the need to deal with the recalcitrant commanders who continue to challenge the authority of the central government by adhering to illicit pursuits. These non-compliant power brokers must be made aware that there are consequences to their actions. Their continued involvement with narcotics, illegal armed groups and human rights violations must be addressed. Without a commitment to take decisive action against those who most overtly defy the rule of law, they will continue to subvert our best efforts and contribute to instability.

● (1910)

[*Translation*]

We have continued to stress the necessity of a global view if past injustices in Afghanistan are to be put behind us. Any government needs the trust of all its citizens. The inclusion of those responsible for serious offences in the past against either Afghan law or international law would cast doubt on the government's credibility. Although the process of addressing past wrongs will no doubt be fraught with emotion, as is the case with any post-conflict situation, this political sensitivity can be mitigated by a process that is transparent, objective and founded in law.

Canada supports the work being done at this time by the Afghan authorities, in close collaboration with the Afghan human rights commission, with a view to drafting a national transitional justice strategy.

I must say how very pleased I am to take part in this evening's very important debate on Canada's role in Afghanistan.

[*English*]

Mr. Rick Casson (Lethbridge, CPC): Mr. Chair, I would like to thank the minister for being here tonight to lead off this debate and hopefully we will be hearing from the Minister of National Defence later on, which I am sure we will.

I believe the operation in Afghanistan will be the most intense operation in which this country has been involved and probably the most dangerous since Korea. This is not a peacekeeping mission. The general in charge has indicated that we will be taking the fight to the Taliban, that we are there to perform operations and that the possibility of Canadians being hurt is great.

This is not at all a peacekeeping mission. The mission is to clean up the most dangerous part of that country. Some of the terms that have been used are "less benign" and "unstable". The fact is that it is just damn dangerous and this is where our troops are going. We need to have the confidence as a nation and certainly as the official opposition that everything has been done to provide these troops with the absolute best equipment and training and to ensure they have the facilities on the ground to protect them around the base perimeter.

I want to hear from the minister, and perhaps we can ask the defence minister later as well, that indeed has happened. We hear that the forces are having trouble finding enough trained troops, the numbers that are required, to send over there and that they are having trouble finding the equipment to properly equip these people to ensure their safety.

I would like the minister to state that this indeed has happened and that our troops are equipped, trained and in the best possible situation in this most dangerous part of the world.

● (1915)

Hon. Pierre Pettigrew: Mr. Chair, that is a very important question and I appreciate it. I am sure my colleague, the Minister of National Defence, when he addresses the House a little later, will certainly provide further information.

As a government, it is very clear that we would not have embarked on such an important mission if we were putting the lives of our Canadian citizens at risk in a way that is not absolutely necessary. Yes, of course, lives are at risk in the military but obviously we want to ensure we put all the chances on our side. This is something the Minister of National Defence has looked into personally when we were going through the decision making process in the government.

It was a very important priority for the Minister of National Defence and the government in general to ensure that we were sending our Canadian soldiers with the appropriate training and equipment to do the best possible job. I do not think General Hillier would have accepted any such risk either if he had not been confident that we were taking the appropriate actions before sending our Canadian soldiers there.

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Chair, I would like the minister to provide some further information about his concept of the PRT, the provincial reconstruction team. In French we call it the EPR. This seems to be quite a new type of intervention for us to be involved in. There will be 19 of these teams in Afghanistan, including the Canadian one in Kandahar. However, we have not found a definition for the PRT. There are several models including the American and British ones.

Can the minister give us a sense of how he envisions this? What will the Canadian PRT contingent in Kandahar consist of? Can he define the PRT's mission and its intervention method in the field?

Hon. Pierre Pettigrew: Mr. Chair, the PRT concept was originally based more on the American model. Since this was our first experience, the Provincial Reconstruction Team was later improved and reinforced. Some new elements were introduced, particularly when the Europeans became involved in this type of exercise.

I can say that the Provincial Reconstruction Team reflects precisely what we have in our international policy statement. We want defence, diplomacy and development to work in a more coordinated and integrated way. It is clear that for now, the work is focussed more on stability, with a significant military presence. Eventually we expect elements of diplomacy and development to become more of a priority.

It is essential that we take responsibility for a territory. However, in addition to the military effort, we must ensure that other aspects of development are included. That is why CIDA is very involved in this exercise.

[English]

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, the minister himself referred to mine action and the fact that some 10 million to 15 million mines have been removed, and yet at the same time concern has been expressed about the extent to which Canadian Forces, vis-à-vis their cooperation with American forces, are actually involved in the use of anti-personnel mines.

I have been told that at one point Canadian soldiers were ordered by their American commander in Afghanistan to lay anti-personnel mines around the camp but they refused because of Canada's signing

of the convention against anti-personnel landmines. The Americans then laid the mines themselves. The Canadian government was able to argue that Canada was respecting the convention. However at the same time our soldiers are benefiting from the existence of these mines.

I am looking at a lecture that was given yesterday by Michael Byers in Saskatoon who is the author of a new book entitled *War Law*. He said, "the fact that American soldiers rather than Canadian soldiers laid the mines makes it possible for the Canadian government to argue that there was no violation of the convention. Our government interprets the prohibition on the use of anti-personnel mines as not extending to reliance on mines laid by others providing that Canadian soldiers do not request the mines be laid".

He goes on to say that he thinks this is a rather "strained interpretation and hardly reinforces our claim to be the leading proponent of the total elimination of anti-personnel landmines".

Does the minister dispute this account of what has happened in Afghanistan and, if he does not, is the government not concerned that Canadian reliance on mines that we are allegedly against puts us in a situation where we are clearly in violation of our own norms on this?

• (1920)

Hon. Pierre Pettigrew: Mr. Chair, I appreciate our colleague bringing this matter to our attention. I am not privy to the information to which he is referring. I have never heard that the Americans would have done the dirty work sort of thing around our own camp. Therefore I will take note of his question because the government would be concerned if that were a reality. We certainly will look into that and we will have the opportunity of chatting together about this for sure.

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, something has been very disappointing about the way the government has handled this whole process of taking our troops out of the Kabul area and moving them into Kandahar where it is even more dangerous, as we have seen recently with the car bombings that have killed soldiers in the area, without any explanation to the Canadian public or Parliament as to why that change was made.

Here we are having this debate in the House today and yet the minister has not given the most basic explanation to Parliament and to the Canadian public as to why the government has made this change. I would really appreciate if the minister would take this opportunity to explain finally why the government has taken this decision.

Hon. Pierre Pettigrew: Mr. Chair, my colleague the Minister of National Defence, who has kindly agreed that I open these discussions tonight because I have some other obligations, will deal with this more extensively.

I want to reassure the member that this is the reason why we are having this debate tonight. We will begin discussing this issue. This is a realignment of our presence in Afghanistan following our commitment of a few years ago, and in deep discussions with our international partners in NATO and with the other countries that are involved there.

We discussed who should do what in Afghanistan. We distributed the roles among ourselves. It was thought that Canada could do the best job there. The Minister of National Defence will have the opportunity to explain this more extensively.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Chair, I am pleased to speak on the matter of our commitment to Afghanistan. The Conservative Party believes that political disputes should be resolved by negotiation and compromise, and therefore we oppose any use of terrorism, whether it is national or international. In particular, we believe that international terrorism must be opposed wherever possible because it is in our national interest. It threatens our values and our society.

Conservatives believe that Canada must oppose international terrorism, not only through use of military force but also diplomacy, international assistance and the promotion of democratic values. By combining our efforts with those of other democracies, we can overcome the scourge of international terrorism.

The terrorists who bombed the twin towers in New York were trained in Taliban run camps in Afghanistan. Twenty five of the victims were Canadians and therefore an attack on the towers was an attack on us. Almost immediately after the attack the United States declared that it would move against the terrorist camps in Afghanistan. Canada joined the coalition that entered Afghanistan, overthrew the Taliban government, and moved quickly to eliminate the international terrorist camps.

It was certainly appropriate and justified for Canada to send troops to assist in the overthrow of the Taliban regime. The battalion group we committed operated in the Kandahar area. Its function was to seek out and eliminate terrorists and insurgents who were located in the geographic area. As expected, our soldiers' performance was outstanding and helped to bring a degree of law and order to the Kandahar area. Although there were no direct battle casualties, tragically four soldiers were killed by friendly fire. Once the troops had accomplished their mission, the battalion group was withdrawn to Canada.

This initial commitment to fight the Taliban was made in response to an attack on our citizens, not to assist the failing state. Had we not been attacked, it seems unlikely that we would be in Afghanistan today since none of our national interests were involved until we were provoked. While we were committing a battalion group to the combat role in the Kandahar area, another battalion group was sent into the Kabul area as a peacekeeping force to protect the capital and the provisional government.

When we withdrew the battalion group from the Kandahar area, the government of Afghanistan asked us to remain in the capital to help further stabilize the situation. Canada agreed. This was a sensible decision as no civilized society wants the return of the Taliban government. The risk attached to this important role was clearly demonstrated when two of our soldiers were killed when their unarmed vehicles hit a mine.

Recently, the government announced that our commitment to Afghanistan would change again. The Canadian Forces would abandon Kabul and move into the Kandahar area, the heartland of the Pathan, the major supporters of the Taliban. The new

commitment involves three elements: a provincial reconstruction team, a task force headquarters and a battalion group.

The provincial reconstruction team will have the role of supporting the local government and police force to reinforce law and order in the Kandahar area. The task force will command the multinational battle groups located in the south of Afghanistan while the battle group will seek out terrorists or insurgents and eliminate them. Let there be no doubt, this force will be involved in a combat role, not a peacekeeping role.

These changes to the current commitment were announced some months ago without any explanation from the government. Without a satisfactory explanation of why we are deepening our commitment, there is a suspicion that the government is reacting to local events without any real concept of where we are going.

When a government decides to intervene in a failing state there are a number of considerations that must be taken before committing troops. It must be satisfied that the mission supports the goals and objectives of Canada's foreign policy; the mandate is realistic, clear and enforceable; there is a clearly defined concept of operation; it has an effective command and control structure; there are clear rules of engagement; there is sufficient international financial and political support for the mission; it has adequate and properly equipped forces; it can sustain the commitment and engage in other international activities that may arise; there has been an effective consultation between mission partners; there are criteria to measure progress; there is a definition of success; there is an acceptable timeframe for the commitment; and there is a clear exit strategy if the mission is not successful.

● (1925)

I do not have great confidence that the government had satisfactory answers to these considerations before committing our troops to increased involvement in Afghanistan. In particular, I doubt that the government has a clear political and military strategy for Afghanistan or criteria on which to measure progress or a definition of success or an exit strategy. We have had pronouncements from government officials who indicate that our commitment in Afghanistan may be 5 years, 10 years or even as long as 20 years. It is obvious that the government does not have an idea how long the commitment will go on.

What really irritates me about the government's management of the military commitment to Afghanistan is that it has created a crisis situation and it is running out of time. The government has sent troops on a dangerous high risk mission to Kandahar and neglected to properly equip them before they arrived in Afghanistan despite a commitment from the Prime Minister not to send men and women abroad or put them in harm's way without giving them the best of equipment.

Being confronted with the challenge of Kandahar, the defence staff is doing what it can to prepare. Military personnel do not have what they need for the mission and have formulated a long list of equipment they desperately need for the troops to defend themselves, protect innocent Afghans and defeat the Taliban.

The government knows it has made a hasty decision without thinking through the consequences. The cross-Canada speeches by the minister about Afghanistan and its dangers is like closing the barn door after the cow is gone. It committed troops to confront the Taliban without providing them with the necessary equipment.

To solve the political problem they have created, the Liberals are now planning to bypass the competitive procurement process by sole sourcing the bulk of the equipment for Afghanistan. They have also tried ramming through aircraft projects that could support our expeditionary efforts by creating requirements that can in reality only be met by one solution. In military terms, it is called situating the appreciation, knowing what one wants and writing the documents to arrive at the favoured solution.

By sidestepping the checks and balances of fair and open competition, the Liberals are admitting that they have done relatively little in 12 years to improve the military's defunct procurement system. In rushing through equipment for Afghanistan, the government is cutting corners on safety and security. Some examples are selecting 10-year-old, outdated, level one armour protection for the armoured personnel carriers instead of the much more effective level three protection.

Deciding that delivery on time is two and a half times as important as performance when selecting the winner of the armoured patrol vehicle project. This is bizarre and to add to the problem is the fact that the government did not ask for the latest version of armoured protection on the vehicles.

The government unwisely meandered into this commitment without having a clear idea of what was involved. All this could have been avoided if the Liberals had acted with some forethought. They have made a politically charged decision to commit troops to a high risk venture in Afghanistan without ensuring they are supplied with the proper equipment.

Some of our troops are already in the Kandahar area and the balance will be there by February. We in Parliament must support their efforts in any way we can. Wherever our troops have been sent, they have made us proud and they will do so again. The troops on the ground have a "can do" attitude and they will do whatever it takes to meet their tasks. However, when the government puts our forces in harm's way, it has a responsibility to be absolutely clear about what is to be accomplished, how it is to be accomplished, and when it is to be accomplished. It also has to provide the best equipment and logistic support available.

I have no doubt that our troops will do their part, but whether the government fulfills its part of the bargain, only time will tell.

• (1930)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Chair, I thank the hon. member for his comments which are obviously based upon a distinguished military career and a great deal of knowledge of this subject and I thank him for his observations.

I will have an opportunity to discuss these issues further as the debate goes on, but I want to assure him that his list was comprehensive in terms of exactly where we should be going and I hope that I can assure members of the House that we have taken into consideration the important matters the member raised.

However, it would be helpful if the member could help the House when he says that we have no strategy in terms of time. He will recall that Bosnia was a situation where we had to go in without an exact knowledge of how long it would take. It took about 10 years really before we were able to turn this over to the Europeans.

I am not saying we are going to be in Afghanistan anything like 10 years, but I hope the hon. member would agree with me that we must remain there long enough at least allow President Karzai's government to have control over the situation in that own country. If we do not pacify that region and if we do not deal with that particular region, the chances of stabilization in Afghanistan will never take place. That is obviously the strategic reason that caused us to go there and we will discuss that further in the debate tonight.

The second observation I would like to draw from the member is the fact that when we talk about equipment and what we are doing there, the member will be aware that this is a multilateral mission. We will be with professional troops from Britain, America and other allies, all of whom will bring their own expertise and their own equipment. We will be allying ourselves with other well equipped members of NATO with whom we will share our equipment in a way that will make the force effective.

Mr. Gordon O'Connor: Mr. Chair, I will try to answer the first one about time.

When the government commits the forces to a mission, it has to analyze what has to be done. There has to be a criteria for success. What is the gauge of success? What efforts have to be put in? An estimate has to be made either by our own staff or by our allies or in concert with our allies to estimate how long the mission will take to achieve our goals. There has to be some sense of how long the forces are going to be there. The minister said that it would not be 10 years. Certainly now it will not be 20. Maybe we put it in a bracket. Maybe our commitment is for 10 years or five years, but there is some reasonable estimate that can be made based on the criteria of success.

If the forces cannot achieve these criteria and cannot achieve success, then that is the alternative. At some point we have to pull out. If we feel we are making success, then we have to report that we are making success. We have no idea what the criteria is for success. I believe we can make a time estimate. We can say the forces will be in there for so many years.

With regard to equipment, it is true that we are going to have a variety of allies with different equipment. What is important for us is what our troops are equipped with, within the limits of our financial capability and our technical capability what can we provide our troops in terms of weapons and protection and mobility. For instance, in the commitment we are going into, I am aware that the Americans in the zone will have helicopters and can provide helicopter lift, et cetera, and there is no immediate need for helicopter lift. When our troops go down a road or into a village or up a hill somewhere, they have to have the best protection possible. My contention at the moment, because this decision was made without making sure we had the equipment the troops precisely need for Afghanistan, is this is being rammed through and we are not necessarily making the best choices.

• (1935)

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Chair, I would like to take this opportunity to put a question to my honourable colleague, who is a former general. The current military command in the Kandahar region will now be replaced by a NATO command. I would like him to share with the House his thoughts regarding the importance of this fact. Does he think that it is advisable to shift from an American command to a NATO command? I would be grateful if he would give us the benefit of his expertise in this field, in that he is a former General in the Canadian Forces.

[English]

Mr. Gordon O'Connor: Mr. Chair, in both cases the Americans have a very professional armed force and army. If we operate within the command of the American armed forces, we have all the support and we have clear command and control. Similarly with NATO, if we are going to have a NATO organization, NATO also is an alliance of like-minded countries in the north Atlantic and they have a very professional organization. In either case the Canadians can work with NATO or the United States and I think they could be comfortable with both.

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, my colleague from the Conservative Party has raised some interesting issues with respect to equipment, et cetera. He will know from some of the things that have been raised in this House and some of the things that have been said elsewhere, and I intend to say more about this in my own remarks when we get to them, that many people have concerns about the whole question of those who are being detained by the Canadian Forces and subsequently turned over to American forces. There is concern about whether or not the prisoners are being treated in accordance with laws that Canada recognizes even though the Americans may not.

We have had revelations recently about CIA black sites or secret camps. We know what happened at Abu Ghraib and Guantanamo Bay. There have been leaks of legal documents which have sought to justify torture, pushing the envelope with respect to how prisoners are interrogated.

What is the position of the Conservative Party on this? Does it share concerns about this? Does it have confidence in what the Americans are doing? Does it want to register any caveats about this? I would be interested in knowing what the view of the official opposition is on these issues.

Mr. Gordon O'Connor: Mr. Chair, first I will talk about the mechanics of prisoners of war. Typically, different levels of organization, such as battalions, brigades, divisions, have capabilities to hold prisoners of war. At the battalion level, or the battle group level, which is the level of commitment we are making right now, it is a very minimal holding area. The prisoners are brought back, held for a time and then they have to be passed to some higher organization that has a police battalion or a police company to look after the prisoners.

The size of force we are sending to Afghanistan does not typically have any large prisoner holding capability. That does not mean that a nation of our size could not build one if we wanted to. We could artificially create an area and then send the prisoners back to wherever we are going to send them.

I understand when we are under American command, that when we transfer the prisoners to the higher level American forces, we do so on the understanding that they will be treated in accordance with the Geneva Convention. We have faith that the Americans will treat our prisoners in accordance with the Geneva Convention. If we had evidence to the contrary, we would then perhaps change our attitude, but at the moment that is our understanding.

Our forces are being transferred to NATO. I do not know what the NATO arrangements or the NATO structure will be. I do not know if the NATO forces have a larger prisoner holding area or not, but if we capture prisoners in the new venture we are going into, we will be passing them on to NATO forces, as long as we have a guarantee that the Geneva Convention is followed.

• (1940)

Hon. Bill Blaikie: Continuing on this issue, Mr. Chair, very early on in January 2002, Canadian soldiers did capture suspected Taliban and al Qaeda fighters and they handed them over to the U.S. forces. This was in the context of U.S. Secretary of Defense Donald Rumsfeld having publicly refused to convene the status determination tribunals required by the third Geneva Convention of 1949 to investigate whether individuals captured are in fact prisoners of war.

In addition to some of the stories about what has happened to prisoners at Abu Ghraib and Guantanamo Bay, we have an open repudiation of the extent to which the Geneva Conventions, in the minds of the American administration, actually apply in this situation. It is one thing to say we want them to do it, but on the other hand, there is some evidence that even by their own understanding, it is not something they feel obliged to do, at least in this particular instance.

Mr. Gordon O'Connor: Mr. Chair, I must point out to the member that at the moment we are not the government. We hope to be, but at the moment we are not.

If prisoners were transferred from our forces to higher forces, to American forces or NATO forces, as I said before, we would expect them to be treated in accordance with the Geneva Convention, and we stand by the Geneva Convention.

I would imagine that we also keep track of the prisoners that we capture, that is, we know whom we captured by name, et cetera, and that there would be a way for us to check on where these prisoners are and how they are treated. Also the Red Cross can be sent in to check on prisoners in war zones.

We would enforce the Geneva Convention basically is what we would do. At the moment, we trust our American allies and we trust our NATO allies to follow the Geneva Convention, unless we have evidence otherwise.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Chair, I rise with pleasure to speak this evening on behalf of the Bloc Québécois on the subject of our forthcoming dispatch of troops to Afghanistan. I say forthcoming, for a large contingent will be going to Afghanistan in February. I am aware, nonetheless, that there are already people there on the ground.

To begin with, for the benefit of our listeners and those watching on television, it is worthwhile to give a very short history of the reasons for this situation. It is, I think, unnecessary to recall the attacks on the World Trade Center on September 11, 2001. The Americans very quickly identified the terrorists as well as the places where they had been trained. The eyes of the world turned to Osama bin Laden with his training camps in Afghanistan. The Taliban regime then in power encouraged this type of terrorism, harboured it and provided an oasis for terrorism.

The Americans decided to intervene with a coalition of people who decided to accompany them. Twenty-six days later, on October 7, the Americans entered Afghanistan. It took several months before the UN finally decided to support them by creating the ISAF following the signing of the protocol in Bonn. This was an international intervention force under American leadership, but with the authority of the UN.

There are several types of mission that I would like to consider. The current mission is a dangerous one. That is, moreover, why the Minister of National Defence has already begun to engage with public opinion. He has said that it is not a traditional peacekeeping mission and that there is a risk that soldiers will be lost in this undertaking.

I will call this a stabilization mission, which ultimately allows for all kinds of operations. I have here a description of the mission, which includes a full spectrum of operations. Not only will there be an attempt at reconstruction with the PRT, but they will also attempt to seize members of al Qaeda or high profile Taliban figures. These are likely to be highly dangerous missions. The entire range of operations is thus included in the current mission.

In regard to this commitment, we must see why we are there. I am taking excerpts from documents given to us by Brigadier General Ward. He came to tell the Standing Committee on National Defence and Veterans Affairs how both the mission and the commitment were seen. I think that it is important to read the mission statement. Ultimately, it is about helping the Afghans progress toward independence in terms of their security, stabilize their country, develop their government and build a better future for their children. This can take different forms, as I said. It can take aggressive forms, as in the pursuit of the Taliban who want to destabilize the country,

but it can also take the form of reconstruction. The PRT is there to accomplish all parts of this mission.

I would like to speak about command. There is one thing that currently bothers us in the Bloc Québécois. As we speak, the zone in question is under American command. We are anxious for it to pass to NATO command. We hope that before the contingent is fully deployed, NATO will have taken over all operations in the region. For us there is a certain gradation in the type of command. I will explain.

We refused to join the Americans in Iraq in a coalition of the willing because it was not under UN control. The priority for the Bloc Québécois is certainly to be under UN control. This might not always be the case, but it is our first priority.

We can agree to being under NATO authority. That was already done in Kosovo. There may be conflicts, as in Rwanda, where we should have intervened. International law seems to be developing now in regard to the duty to protect. The Bloc Québécois is following this closely.

All of this is to say that we have an order of priorities in regard to command. The Bloc Québécois prefers the UN first and then NATO. We are very resistant to coalitions of the willing, such as is currently the case in Iraq.

I would like to turn now to the PRT concept. It is relatively new. People have said that there is a certain inconsistency when the armed forces arrive in a country and there is a lot going on. There is a war going on with shelling, attacks, infantry, air forces, navies, cruise missiles launched from ships, and so forth. These kinds of activities are inconsistent with our saying, at the same time, that we have come to reconstruct.

● (1945)

As a result, the international community expressed its concern with the creation of provincial reconstruction teams. This is important. There are a number of different models. The current difficulty is that there are no specific models or definitions. People are doing things, and we are trying to determine the best course of action here.

The American model, among others, may not be the one to follow. The Americans tend to shoot first and ask questions later. In fact, a few years ago, the coalition fired on a school, killing nine children and a number of adults. The next day, the PRT came in to rebuild. They shoot and kill a number of civilians and, the next day, they talk about development. It goes without saying that they were summarily asked to leave.

Currently, the NGOs tend to say that the British model may be the best. The armed forces have a very clear role. The local NGOs are responsible for reconstruction.

We will see what the Canadian model will be. For now, the Minister of Foreign Affairs is talking about the 3-D approach. I asked General Ward a question when he came. We believe that there is a problem. About 95% of the contingent about to leave for Kandahar are military personnel. The 3-D approach is a nice concept, but more emphasis needs to be put on development and diplomacy. I understand that Kandahar is a dangerous region, but there is a difference between that and saying that 95% of the contingent are military personnel. I think that the Minister of Foreign Affairs has not given this enough thought. It needs to be addressed.

We have a great deal of respect for the Geneva convention. Everyone remembers seeing the three JTF2 prisoners exit the plane and be handed over to the Americans. We are not saying that the Americans are tyrants, but I do not think that, when it comes to treating prisoners, they get a passing grade. We need only think of all the scandals at Guantanamo or in Iraqi prisons. Just recently, we learned that the CIA had almost secret prisons in Eastern Europe. What are they doing to these prisoners? This is one of our concerns.

In a fight against a tyrannical regime, the people captured must not be submitted to the same treatment. A decision has to be made at the outset on the treatment given prisoners. It is a very important point for the Canadian Forces going to Kandahar. What do they do if they arrest Taliban or al-Qaeda fighters?

We have clearly supported and will continue to support the intervention in Afghanistan, because we approve of the mission, as I said earlier. We want this country to return to democracy. It has not really enjoyed democracy, it has to be said, but it is changing. In a context of instability, it is not possible to think of setting up a democratic society. So we think the Canadian contribution is good.

As for what awaits the prisoners, we call on our government to define the legal status of the opponents. How will we consider the people we capture? Will we bring them before our own justice system, keep them prisoner in our prisons or hand them over to another country? Handing them over could be a secondary recourse. However, we would want to be sure the Geneva convention would be honoured. Otherwise, we cannot allow a Canadian envoy to capture people and then turn them over to the Americans, only to discover later in the news that they have been taken to an unknown location and tortured.

We can ask that of the government. We can also point out the importance of setting certain limits on reconstruction and of determining our course of action. The minister has to add a fourth dimension to his three *ds*, that of the NGOs. We have to have agreements with them. Their job is to help people. It is not just the job of the Canadian army with its notions of defence, diplomacy and development. Let us agree with the NGOs as well and ensure the collective contribution of all these people in ensuring that the work done by the PRT in Kandahar is the best in Afghanistan.

● (1950)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Chair, I have three comments.

First, concerning the ISAF coalition, I can assure the hon. member that our goal is a humanitarian one. Our operations are within the coalition now, but the purpose of our presence, along with our

British and other colleagues, is precisely to transfer authority to ISAF before our mission is over.

I will come back to the comments made by other hon. members on geopolitics and related issues, and what we are doing about it. This is a very important aspect for us and for the Afghan government, which wants the international community to be present in its country, not a group of countries like a coalition. Mr. Karzai himself has said this.

Second, our presence in Afghanistan is a good thing for us, in order to regularize our status as members of the international community as a whole, particularly since this is a NATO mission under UN authorization. As for the PRT, I agree with the hon. member that there is at present an imbalance between the presence of troops and the development assistance they have to provide. I visited the PRT recently, and I hope the hon. member and others will have the opportunity to do likewise. If so, they will see, as I did, that the people living there want stability and they want it now. They want assistance. They realize, however, that there will be no assistance until there is stability. At the moment, the focus is on stability, but we are also working on assistance and good governance.

Third, for the question from our colleague concerning prisoners. This is not a formal presentation, but I would like to share with the House the new policy I am trying to draft in conjunction with the Afghan government. We are in Afghanistan working for the good of the people and their government. We are not there to serve our own interests.

When I was over there, I attempted to reach an agreement with the Government of Afghanistan on the transfer of prisoners to the Afghan government, with guarantees of supervision by both the Red Cross and the Afghan human rights commission itself, in order to guarantee the status of these prisoners. We are in the process of negotiating this and I hope the agreement will be concluded before our troops are sent in for more extensive duties.

● (1955)

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Chair, I am pleased to hear that, like us, the minister would like to see this coalition not just under U.S. command, but under NATO command as well. In my opinion, it is important that the international community address the problem. When a nation intervenes practically alone, or with a limited coalition of people that take international jurisprudence into their own hands, this often causes many problems. With NATO, we have democratic parameters to address these problems. We all know the NATO structure where 27 ambassadors discuss using consensus to make a decision. I believe that if NATO can truly take control and command over Kandahar, we will be reassured.

As for the PRT, the minister said he understood our point of view. He knows that there is currently need for greater stability. We agree. However, we believe that 95% for military and 5% for development and diplomacy is not enough. Diplomacy must not be forgotten. We must negotiate this with the mayors and warlords. We need these diplomats and not just armed forces for establishing this type of parameter. It is true that the climate is currently so unstable that we need more armed forces. However, do we need 95%? That is what in fact needs to be debated.

In regard to his new policy, I am glad to hear it. The minister told us that he was close to reaching an agreement with the Afghans. However, I would just like to emphasize something to him. If he manages to reach an agreement which ensures that the Afghans comply with the Geneva Convention, we will support him because this is important. However, the Afghans must not be used as intermediaries between prisoners taken by Canadian troops and prisoners taken by American troops. We would not want to see the Afghan government or the Canadian government saying it would hand the prisoners over to the Afghans, and then the Afghans saying that ,now that it had them, it would hand them over to the Americans. Then they would be intermediaries.

We must be above all reproach. The prisoners have to know this, regardless of where they are sent. The Geneva Convention must be respected. If it is not, Canada must consider having its own prisons and its own justice for prisoners in Afghan territory.

[English]

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, I am following up on the dialogue between my colleague from the Bloc and the minister having to do with the possibility of an arrangement between the Canadian Forces and the Afghan government for the turning over of people detained by Canadian Forces to the Afghan government.

I want to bring to the attention of my Bloc colleague the words in article 3 of the torture convention, which decrees:

No State party shall expel, return...or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Apparently last week at the UN General Assembly the UN special rapporteur on torture singled out Canada and five other countries for violating human rights conventions by deporting terrorist suspects to other countries where they may have been tortured.

There is a very real danger, as I think my colleague pointed out, that if the detainees who are turned over by Canada to the Afghan government are subsequently turned over to the Americans, we may be in violation of article 3 of the torture convention. The UN committee on torture has stated that the term "another State" in article 3 of the torture convention encompasses any additional country to which a prisoner might subsequently be transferred.

I am indirectly saying this to the minister, but inviting the comment of the member from the Bloc. Would he not agree with me that it is not enough for us to simply have an arrangement with the Afghan government, but that one has to have real assurances that the Afghan government is not just an intermediary for ultimately turning prisoners over to the U.S., which, frankly, everyone is worried has crossed the line when it comes to torturing suspects?

● (2000)

[Translation]

Mr. Claude Bachand: Mr. Chair, I am pleased to see that my friend from the NDP shares my concern. If the minister wants to turn prisoners over to the Afghan government, he must ensure that the Geneva Convention is upheld. I would not want the Afghan government feeling free to decide where to send prisoners that the Canadian government had turned over to it and deciding to turn them over to the Americans.

We have the evidence. The Americans' record is tainted by what they have done. We will probably not see any torture in the United States, but there will be at Guantanamo. They will say that this does not happen in their country, just elsewhere. We know what the Americans are basically up to. They want to transfer these people to other countries where torture is used. The Americans will be informed, and then when questions are raised about what happened, they will say that it did not happen in the United States but in Bulgaria or Cuba.

I am asking the minister to cooperate on this. If he concludes an agreement with the Afghans, I would like him to inform Parliament. We must ensure that if prisoners are transferred to the Afghan government, the Geneva Conventions apply in full. If he does this, he will have the support of all the parties in the House.

[English]

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, I am grateful that the House has this opportunity to exchange views on the new situation for Canadian Forces in Afghanistan because it is indeed a new situation and deserves some parliamentary discussion.

What we are debating tonight is the fact that Canada has undertaken a change from its previous role in Afghanistan and is in the process of establishing what is called the provincial reconstruction team, henceforth known as PRT, in southern Afghanistan, the city of Kandahar, which involves moving the concentration of our forces from Kabul, the capital city of Afghanistan, to the southern city of Kandahar.

This raises a number of issues. The minister knows that this will involve more active force protection and counter-insurgency activity on the part of Canadian Forces. Our understanding is that some 1,000 plus soldiers will be deployed by February, not including members of the elite JTF2. This is a change too. I hope I will have some time to say more about this later.

There is a perception in the country that this is somehow in keeping with our traditional sort of peacekeeping role, at least our post second world war, post Korea role in world of peacekeeping. In fact, what we are doing in Afghanistan is quite different than that. I do not think the government has been fully upfront with Canadians about the difference in the rules of engagement and the difference in the situation to which Canadian troops are being sent, not only in Kabul but particularly now in Afghanistan.

This is certainly not peacekeeping. It might be called peace building, but it is more like war fighting. It is more like fighting the Taliban and al-Qaeda and trying to maintain that state which has been established in the wake of the U.S. overthrow of the Taliban regime through the military activities of a coalition of the willing, of which Canada was a part. I do not think we have paid sufficient attention to the departure or the significance of the change in the role of the Canadian military that our activity in Afghanistan represents.

There also are some questions within the NGO community about the PRT itself and the extent to which humanitarian operations in that area have been placed in a very odd position, where they are subsumed to a military structure. NGOs have some concern about the militarization of development. We heard some testimony to this effect in the defence committee not so long ago. This is not just true there. They also expressed some concerns about the DART in that regard.

NGOs are very sensitive to the role they play in any given situation. They have to be seen as neutral. They cannot be seen as an extension of any one particular side in a dispute. In the three block war, to the extent that they are being subsumed on the development side, they are very concerned about what this means for the security of their own employees and for the effectiveness of their mandate.

Finally, and we have already spent some time on this, Canadian involvement with U.S. forces and in Operation Enduring Freedom means that Canada could be complicit in any torture that occurs and any use of banned weapons by the U.S. forces, and this is the worry that has been expressed here tonight.

I already have raised the issue of anti-personnel mines and there may be other instances where Americans have used weapons that we have signed conventions against. I am thinking of the use of white phosphorous. It was not used in Afghanistan, but I think there is some evidence that Americans have used it perhaps in the attack on Fallujah, which, granted, is different than Afghanistan. We are in this increasingly integrated, interoperable relationship with a country that continues to violate conventions to which we are signatories. It seems to me that the government should be more concerned about this than it is.

● (2005)

When I asked a question in the House not so long ago, the minister of defence was not here. His parliamentary secretary stood up. I raised the question in the context of these black sites that had been recently revealed, where Americans were allegedly sending detainees to be tortured. All got was a very simplistic and naive answer from the parliamentary secretary. He said that they were turned over to the Americans, that the government trusted them, that the Red Cross kept an eye on these things and that everything was just fine.

Frankly, I do not think that cuts it. I would hope the minister would express more concern than his parliamentary secretary did in that context.

I think the minister has received a letter. Perhaps he has not seen it yet. I received a copy of it. It is a letter from a Mr. Melville Johnston, a professor emeritus at Ryerson University. I will quote from the letter. He says:

The Human Rights Watch has condemned the use of "torture shuttles" (airline flights to transfer prisoners to various countries that used to be under the influence and/or control of the former Soviet Union). The European Union and the International Committee of the Red Cross have called for investigations into the so-called "black sites". Moreover, the Human Rights Commission of the Council of Europe has stated that it finds these sites "very worrying".

Mr. Johnston goes on to say:

As a Canadian citizen, I am ashamed that my Government would in any way participate in or contribute to the illegal treatment of prisoners held by the US authorities.

I think Mr. Johnston speaks for a lot of Canadians when he expresses these kinds of concerns. We have to be very concerned that in the post-September 11, 2001 environment we do not suddenly undo all the work Canadians did for decades in establishing international law and new conventions trying to make the world a more civilized place. We cannot throw that overboard because we happen to be allies of the Americans in a war against terrorism.

Further to that, I want to go back to something I was talking about earlier with respect to the treatment of detainees. I will again refer to a speech that was given yesterday by Michael Byers who is UBC professor of international law and author of a new book *War Law*. He delivered the F.C. Cronkite lecture in the College of Law at the University of Saskatchewan in Saskatoon yesterday. In that address he says the following, and I quote at some length:

In January 2002, Canadian soldiers captured suspected Taliban and al-Qaeda fighters in Afghanistan and handed them over to U.S. forces. The transfers took place despite the fact that U.S. Defence Secretary Donald Rumsfeld had publicly refused to convene the "status determination tribunals" required by the Third Geneva Convention of 1949, to investigate whether individuals captured on the battlefield are prisoners of war. Canada, by choosing to hand the detainees over, also violated the Third Geneva Convention. The transfers did not, however, violate Canada's obligations under the 1984 Torture Convention, since there was no reason to believe that U.S. forces would mistreat the detainees.

Professor Byers goes on:

Today, we know better. Photographs, news reports and official investigations into abuses at Abu Ghraib Prison in Iraq, Bagram Air Base in Afghanistan and Guantanamo Naval Base in Cuba indicate that, at best, the U.S. military has failed to educate its soldiers about human rights and international humanitarian law. At worst, the revelations suggest a policy of law-breaking that extends all the way up the chain of command, to the Secretary of Defence and perhaps the commander-in-chief himself.

The denial of access to legal counsel, the removal of detainees from occupied Iraq (in blatant violation of the Fourth Geneva Convention), and leaked legal opinions that seek to justify torture provide additional cause for concern.

I will end my quoting of Professor Byers at that point.

Canadians may be concerned with the role of our forces in Afghanistan. I think we would find more of a consensus with respect to the concern that Canadian soldiers, by turning over people that they detain to Americans in this environment, are in violation of agreements that we have signed and in violation of the values that Canadians like to think our government holds.

We are in a context not just in respect of the turning over of detainees in Afghanistan, but also with respect to some issues here at home that make us wonder whether we have a government any more that is committed to these long-standing Canadian values. It is not just in respect of the turning over of detainees in Afghanistan. It also is with respect to some issues here at home that make us wonder whether we have a government that is committed to these long-standing Canadian values.

● (2010)

It is not just the turning over of detainees in Afghanistan to Americans for possible torture or forms of imprisonment that violate the Geneva Convention. We also have the case of suspects in Canada such as Maher Arar and others who ended up being turned over to the Americans and who in turn were turned over to the Syrians, with Canada not seeming to care at the time about that.

We have a growing sense of unease about whether in our eagerness, which may well be justified, to combat terrorism we are sacrificing a Canadian tradition with respect to international law that we will rue being exposed to erosion in this way.

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Chair, there were two very important points raised by my hon. colleague, and I will make some comments. He might wish to speak to them as well.

The first is the nature of the role of what we are asking our troops to do in the southern part of Afghanistan. It is clear that it is not a peacekeeping mission of the Cyprus type or some of the traditional types with which members of the House would be familiar. However General Dallaire, now Senator Dallaire, and others who comment on these matters would say that everybody has agreed, particularly as a result of Rwanda, that we must have a capacity today in peacekeeping to recognize that there are situations where we must have much more robust rules of engagement than in a traditional situation and where we have to bring stability to the area if ultimately there will be peace and stability so the society can develop.

I would put the Kandahar mission in that latter category. We cannot go there without being properly prepared, as the hon. member from Carleton has pointed out. We have to be prepared to fight in those circumstances and be properly prepared for that, and I will speak to that in my speech.

On the detainee matter, I would like to totally associate myself with the observations from the member for Elmwood—Transcona and my colleague from Saint-Jean when they point out that the treatment of detainees is becoming an issue which goes to the credibility of how we are actually engaging in these forms of operation.

I want to remind the members of the House that Canada is a signatory to the International Criminal Court convention. We signed it specifically because we are determined that international law will be furthered by our operations, not hindered by them. Our troops are instructed and accompanied by lawyers from the department who ensure that international law is observed in their missions.

It is for that purpose that when I was in Afghanistan last, I raised with President Karzai the model of a Danish agreement that the Afghan government has signed, which the members can have a look at. It deals with turning detainees over to the Afghanistan government.

We are in Afghanistan. We are trying to build up Afghanistan for Afghans and for their society. I cannot speak to all the details, but I can assure members that this agreement would ensure that capital punishment could not be used, that the International Red Cross would have access to prisoners to ensure that international

conventions were being observed, both customary international law and conventional law, and I would hope to build in a supervisory role for the Afghan human rights commission as well.

That is the attempt. This is a negotiation that is going on, but I will keep members of the House advised as to the progress of these negotiations because I consider them important for the reasons the other members have raised.

● (2015)

Hon. Bill Blaikie: Mr. Chair, I am happy to hear the minister acknowledge that what we have in Afghanistan is not a traditional peacekeeping operation, although I do not think that anyone really thought it was. It is just that the government has not been as fulsome in its acknowledgement of that as it might be.

I think there was an attempt to do so by acknowledging that there might be casualties and that there was more likelihood of casualties with the move from Kabul to Kandahar, but there has been a kind of morphing of the government position with respect to peacekeeping that I do not think has always been fully explained.

For instance, the 5,000 new troops initially were supposed to be for peacekeeping. It is clear now that those 5,000 new troops are going to be recruited and trained to help us fulfill our commitment in Afghanistan, which frankly seems to be rather open-ended, and they are not going to be available for traditional UN peacekeeping. I think that is a change in government policy and expectation that has not been fully explained to Canadians.

I think there are a lot of Canadians out there who still think this increase in the armed forces is so that we can get back to the situation we once were in, where we were a much more significant contributor to UN peacekeeping operations or peace support missions than we are now.

I found it very interesting that when the minister talked about the Danish agreement as a model he did not say there was anything in the Danish agreement about guarantees that prisoners turned over to the Afghan government would not be subsequently turned over to some other government.

I was waiting. I thought, okay, he went down the list of things that were in this Danish agreement that we should be happy about, and I was waiting for the minister to say, pursuant to the discussion we just had, that the key thing is that there is a guarantee they will not be turned over to the Americans. Yet the minister did not say that. I find that disappointing because clearly that is the concern that was expressed on the floor here. That would be my response to the minister.

● (2020)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Chair, I appreciate the opportunity to participate in the discussion this evening and I really appreciate the comments of my colleague, the member for Elmwood—Transcona. He has raised a number of the things that I have heard about from my constituents with regard to Canada's participation in Afghanistan.

In particular, I have heard from constituents about what happens to prisoners who are taken by Canadian Forces members in Afghanistan and that whole concern about whether they are eventually being turned over to Americans in the context of the secret prisons that we have recently heard about, but also in the context of the kind of behaviour the Americans undertook in Abu Ghraib and at Guantanamo Bay. That is of major concern to the people in Burnaby—Douglas who contacted me about this.

I was a little disconcerted, as was my colleague, to hear the minister's response to that concern. It seems to me that there is something that is good, that there are negotiations under way and it is good that some of these issues may be addressed, but in the meantime, what happens concerning the whole point about whether Afghanistan is indeed turning these folks over to a third country or to the United States?

I would like to ask the member for Elmwood—Transcona about his comment concerning the militarization of development work. I think he made a very important point. I wonder if he might speak a little more about the kinds of concerns that NGOs have had around that, as I think this is another departure from the kind of work that Canadians expect of Canadian organizations and the Canadian Forces and really is part of the whole departure from our traditional peacekeeping role that he was talking about in his remarks.

Hon. Bill Blaikie: First of all, Mr. Chair, on the militarization of development aid, this is a real concern within the NGO community. It is not limited to just their critique of the DART, which we received. It is related not just to how much more efficacious they think their own capacity is and the feeling that the money would be better spent by enabling them rather than having the military do certain things, but it also, as I indicated before, has to do with their concern about how being subsumed into a military environment affects their neutrality and their ability to do the kinds of things they traditionally do.

I heard that this morning. I was at the breakfast, and so were you, Mr. Chair, with the Evangelical Fellowship of Canada, which was laying out its operation Micah, which is part of its global partnership to defeat global poverty. I was sitting at the table with someone from World Vision, who was expressing a concern about the way the role of NGOs was being affected by the role of the military in certain situations.

This is something that is certainly shared widely. It is not just something that we find on the left, for instance, unless one would want to make the very unusual allegation that the Evangelical Fellowship of Canada is on the left wing of the Canadian political spectrum. This concern is a widely shared anxiety within the NGO community.

Secondly, I want to address the concern about the extent to which in Afghanistan we see a model of Canadian military involvement outside of Canada that is very different from what Canadians have come to affectionately associate Canada with, that being the traditional peacekeeping model.

I would refer members to an article called "Canadian Forces international operations: 2001-2005" in the most recent *Ploughshares Monitor*, which is a magazine put out by Project Ploughshares. I do not have the time to go into it, but this article lays out

rather clearly the extent to which the role of the Canadian Forces in UN led and UN mandated operations has decreased substantially, while the role of the Canadian Forces in other military operations, either NATO led or U.S led or other coalitions of the willing, has increased. To me, to some degree this has all gone on under the radar of Canadian political awareness.

Wherever we go we still hear people talking about Canada's peacekeeping role as if this is what we are doing in the world. We are not. In part we are not doing it because we do not have the resources to do it anymore. One of the reasons why we do not have the resources is that what resources we do have and what resources we are planning to have are being planned for our continued and increased participation in these other kinds of operations.

● (2025)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Chair, it is an honour for me to be able to participate with my colleagues in this debate this evening on what I believe to be one of the most important foreign operations the Canadian Forces has undertaken in many years, which is obviously our mission to Afghanistan. I hope that I have been able to address some of the earlier questions on other issues in my previous remarks. I look forward to answering questions when I finish my formal remarks.

Several months ago the government published its new defence and international policy statements. These statements were not academic exercises. Rather, they were informed by recent global history and born of experience, particularly the international experience of the Canadian Forces over the past 15 years in places as diverse and challenging as Somalia, the Balkans, Haiti and Afghanistan.

The one unifying feature running through these very different places is that none of these states were able to provide an acceptable level of security for their citizens or fulfill their international obligations. They were or are failed or failing states.

As a result of this experience, both the defence and international policy statements identify the concept of failed and failing states as an organizing principle for Canada's future military operations.

We must address these fragile states not only because of the geopolitical instability they generate as breeding grounds for international crime and terrorism, and I think of New York, London and Madrid, as was evoked by my colleague, the member from Carleton, but also because the suffering and denial of human rights they represent challenge basic Canadian values.

Dealing with situations in failed or failing states is not simply about waging war over there. Rather, it requires a sophisticated set of skills and instruments, including combat capabilities, diplomatic skills and a willingness to help others rebuild their institutions in a way that is culturally sensitive to their local needs.

These are attributes the Canadian Forces have in spades, largely due to the combination of our military's vast experience in peacekeeping operations around the world since the 1950s, the enviable war fighting history of the Canadian military, and our recent experience in complex places like the Balkans.

Few militaries, I would posit, have our range of history and experience. This in turn has instilled in our military culture and our people a rich array of skills and attributes. Our men and women in uniform embody Canadian values of tolerance and respect, combined with a steely determination to defend our rights, and I might say also a respect for international law.

These values are the result of our history as a bilingual and multicultural nation that has over the years become one of the world's most successful models of embracing cultural differences among one of the world's most diverse populations.

[Translation]

I need not remind this House of the long and unfortunate history of war and misrule that has characterized Afghanistan's recent history culminating in the rule of the Taliban and their support for al-Qaeda and their attack on New York.

That is why we were there as early as 2002, in Kandahar, in a combat mission to deal with international terrorism. It is why we pressed for NATO to take over ISAF and then subsequently provided some 2,000 troops to a mission led by General Rick Hillier, today the Chief of the Defence Staff.

ISAF has been, and continues to be, instrumental in providing the stability and security the Afghan government needs to extend its authority throughout the country. It was crucial to the successful and relatively peaceful presidential elections of last year.

And when we recently watched parliamentary and provincial elections we had the gratifying sight of Afghans, particularly women, defying threats of violence and intimidation, going to the polls in record numbers.

Despite these signs of hope and progress, Afghanistan could probably still be accurately described as a fragile state. Extremist insurgents continue to roam some parts of the country in an effort to regain their previous authority, terrorize the population and destabilize the government. Its economy is overwhelmingly dependent on the international narcotics trade and the country is therefore highly vulnerable to organized crime.

• (2030)

[English]

Afghanistan then, colleagues, is at a critical juncture today. Progress has been substantial, but the ongoing commitment of the international community is required if it is to become a peaceful, stable and prosperous country. Without a solid, long term, multifaceted international commitment, it could revert to a failed state or even become a narco-state. That is not in Canada's interest or indeed, in the interest of any state.

That is why we have decided, with our NATO allies, to increase Canada's military commitment to Afghanistan over the next several months. In fact, by early next year, our military presence and role in Afghanistan will be greater and more varied than it has been to date, notwithstanding significant contributions over the past three years.

Just last month the Canadian Forces returned to Kandahar and established a provincial reconstruction team, a PRT, comprised of

about 250 Canadian Forces members as well as officials from CIDA, the RCMP and Foreign Affairs.

This was described to some extent by my colleague the Minister of Foreign Affairs. Members will know that the PRT concept is to assist the Afghan authorities in providing governance and security, as well as delivering basic services to citizens. The PRT concept corresponds with the thrust of our defence and international policy statements and represents a practical example of our 3-D approach put into action.

I would not accept that it represents a militarization of aid. It is precisely the instrument that makes giving aid in an unstable area possible. Without it, there would be no aid available to those people.

[Translation]

Canada chose to deploy a provincial reconstruction team to Kandahar, because we have been there before. We know the region well. It is also one of the provinces most in need of security and rebuilding. Kandahar is a big challenge for the international community and for Canada. But we know we can make a real difference there, given our past experience and expertise.

In February, the Canadian Forces will also be deploying into Kandahar a brigade headquarters of about 350 persons that will command the multinational force there for nine months. At the same time, we will be deploying a task force of about 1,000 troops into Kandahar for one year, a period of time that might respond to the concern of our colleague from Carleton—Mississippi Mills.

As an essential complement to the reconstruction efforts of our PRT, this force will provide much needed security in the region and perform the same role currently performed by our elite special forces unit.

Finally, we are providing a strategic advisory team of approximately 15 civilian and military planners and support staff to advise the Afghan government on defence and national security issues for a year. Their job is to enable the Afghan government to run their own affairs, our *raison d'être* for being there.

• (2035)

[English]

A month ago I had the privilege of visiting our troops in Afghanistan for the second time. This recent trip brought home to me the human dimension of what we are accomplishing there.

In Kabul, I heard firsthand from President Karzai, from the foreign minister and from other officials, just how much they appreciate not only the stability and security our troops are bringing to their country but, of equal importance, how our troops work naturally with the local population in a way that inspires confidence and makes us partners in securing their country.

In Kandahar, the local governor and tribal elders I met told me how much they like working with our PRT, how Colonel Bowes and his troops understand their needs for schools, hospitals and roads, and how the troops are working with them to rebuild this infrastructure.

Our troops themselves rightly take pride in what they are doing in Afghanistan. This point has been brought home to me many times as I travel across the country and hear from Canadian Afghans, as well as our own troops.

I want to leave my colleagues with the statement that this mission to Afghanistan is consistent with Canada's new international defence policies. In fact, it is the most significant, tangible expression of these policies in action. It is, as other members have pointed out, a complex, challenging and dangerous environment and mission as the part we are going to in Afghanistan is the most unstable and dangerous in the country. Indeed, that is why we have been asked to go there with our other partners, and that is why we are going there.

Members can be assured our troops are exceptionally well-trained, equipped and led for this mission. They are confident in their ability to accomplish this task with all the professional qualities that have marked their previous endeavours.

As I conclude, I want to share with members and ask them to think about the faces of those men and women of the Canadian Forces, the ones we have seen going off to Afghanistan from Edmonton or those who we can see in Kabul or Kandahar if we travel there. They are the faces of Canada, open, generous, sensitive to the culture and needs of their faraway destination, willing to take risks and determined to use their considerable skills to bring stability to the lives of people living in very hard conditions.

We Canadians, who have the privilege of living in one of the most blessed countries on earth, should take pride in sharing in the dream of Afghans that their country will be rebuilt and in our very real contribution to this realization.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Madam Chair, I appreciated the comments from the minister. They raise two questions for me, and they might be intertwined.

Listening to his words, I am not certain whether we have an open-ended commitment or whether we have a commitment where we are going to have a headquarters there for 9 months and a battle group there for 12 months, and then are we going to pull it out and close down the commitment? The extent of the commitment is not clear to me.

The second question is perhaps related and perhaps not. It is my understanding that the French and German NATO partners have basically refused to get involved in counter-insurgency and that this could affect the rotation. This could affect the command relationship in the Kandahar area. Will this have any effect on the extent of our commitment?

Hon. Bill Graham: Madam Chair, I thank the member for two extremely important questions which follow very much along the lines of his earlier comments about an understanding of what is the nature of the commitment.

As I said in my speech, the commitment for the 350 leadership group brigade headquarters is for nine months. The commitment for our troops, the 1,000 that are being deployed, is for a year. Members will know that our commitment in Kabul was for a period of time. Others then replaced us. We will go in, work with our NATO allies, discuss with them who is going to replace us, and how we will not obviously extend ourselves to the point where we are over-extended and create an operational tempo for our troops. We are now working our way through from a very serious operational tempo, so that we will be able to maintain that deadline.

What I would not be able to say to the House is that we would not know if in another year or some other time, depending if we were not to continue in Afghanistan, whether or not we would go back to Afghanistan to aid in the multinational efforts to bring Afghanistan to full peace and security. We know there is one important timeline we are facing. President Karzai's term will be up in three years. We will have a very good idea at that point just how successful the international community has been in Afghanistan and of course we are not going to irresponsibly place our troops. It is very clear that the present commitment is nine months and a year.

I think that addresses the hon. member's concern in that respect, recognizing the multinational nature of these troop rotations, which brings me to his second point and again a very good one. At the last NATO meeting I attended France particularly expressed a distinct concern about the difference between the nature of the operation in the southern part of Afghanistan and ISAF's mission. Our present determination is to work with the other NATO members, so we will end up being double-hatted, as I said earlier, during the course of our mission and that ISAF will eventually, when the British move in, take over complete control of this mission.

This is a matter that is still being discussed at the NATO council. I would not suggest that there is 100% agreement on it, but I can certainly assure hon. members that there is a movement in that direction. The Spanish minister was here recently and we had this discussion. There is certainly a movement in that direction.

Is there concern about the nature of the mission in the southern part of Afghanistan? The answer is yes, but, as I said in my speech, that is in many ways why the Canadian troops have been asked to ensure that we bolster what is a very important dimension of what we have to achieve in Afghanistan.

● (2040)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Chair, there have been some questions at least from the public that need to be clarified in terms of the investment that the Government of Canada has made in our armed forces.

Hon. Bill Blaikie: Madam Chair, I rise on a point of order. I do not know what kind of parliamentary debate it is when the Parliamentary Secretary to the Minister of National Defence has priority in asking questions of the Minister of National Defence before members of the opposition. I find that to be ludicrous and I wanted to register my objection to your recognition of him before you recognize people on this side of the House.

The Assistant Deputy Chair: I am not sure that is a point of order but, in my defence, I recognized someone from the opposition and then someone from the other side, who stood up before the member for Elmwood—Transcona did.

Hon. Larry Bagnell: Madam Chair, on the same point of order, you have not changed anything because this debate was proceeding in this way. When the member spoke, the first question was given to this side of the House and the second question was given to one of his own party members. If I wanted to speak, I would have stood now when my colleague did to speak. Under normal circumstances, it happened just a few minutes ago, it would be our turn next and I would be happy to ask a question.

The Assistant Deputy Chair: I recognized the parliamentary secretary who stood. The rules seem to keep changing as we go along. The hon. Parliamentary Secretary to the Minister of National Defence.

Hon. Keith Martin: Madam Chair, the question is quite simple actually and it is in the interest of the public. A lot of people want to know what new investments have taken place in the military and our armed forces. They would also like to know in what context Canada is functioning with respect to other countries in the region of Kandahar.

Would the Minister of National Defence inform the public of the new investments the Canadian government has made in our armed forces that are very germane to this important mission in Kandahar and the context in which Canada is working with its allies?

Hon. Bill Graham: Mr. Chair, it is clear from the last budget that we have made a serious commitment to reinvesting in our armed forces. The \$13.5 billion promised in the last budget was the largest single commitment to our forces in some 20 years.

I am working very closely with the Chief of the Defence Staff, the military establishment and the civilians in our department to ensure we can flow through the equipment to our forces as quickly as possible to enable them to do their job.

We will, in fact, following along the lines of the question by the hon. member from Carleton about equipment, be acquiring some special equipment for this Afghan mission.

• (2045)

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Madam Chair, I first want to second the words of admiration that the Minister or National Defence expressed for the work that Canadian troops do in Afghanistan and have done in many other difficult situations, such as in the former Yugoslavia and many other missions that they have been sent on.

It is precisely because Canadians do such good work and it is precisely because the Canadians do their work differently that it is so important that the government pay attention to anything that might threaten the differences that other people see between the way Canadians do things and the way other forces do things.

I remember when we raised in the defence committee the question about camouflage and the controversy about the Canadian soldiers when they first arrived in Afghanistan and the fact that they had different camouflage than the Americans. This was supposed to be a terrible thing and it was raised in the House as if the world were

coming to an end. When I asked the officer who was before the committee what he thought of it, he said that he thought it was a good thing. When I asked why, he said, "I don't want to go into any detail, but let's put it this way. The fact that the Canadians were able to be distinguished from others in the same theatre was not a bad thing". Members can read between the lines.

What is important is that the world and the people of the various countries where Canadian Forces operate have come to expect that Canadians do things differently and they do it with the tolerance and the respect for the local cultures and the importance that they attach to the building of schools, the health care system and all those sorts of things.

We have had some exceptions to that rule but, by and large, that is the Canadian reputation and it is that reputation that we want to preserve, which is why I ask these questions in the House of the minister with respect to how we handle those who are detained by Canadian Forces and what conditions we put on those we hand them over to.

Just in that respect, the minister had another chance to say whether, in that Danish model to which he referred, there were any conditions with respect to the Afghan government not handing over prisoners to the Americans. However he did not take the opportunity when he was on his feet to say whether or not that was part of the Danish model and perhaps he could do that now.

Hon. Bill Graham: Madam Chair, I appreciate the hon. member's comments about the conduct of our troops but I have to say that it is not only in respect of how they relate to local populations that is appreciated. I had a NATO general tell me when I was there that they were appreciated by other NATO forces because they quite often step up and go the extra mile, take on missions and are willing to work in a way that inspires others to be as actively engaged as they are. I think we can take enormous pride in that.

Again, I come back to what members of the House have said about the treatment of detainees as being an important part of the credibility of our mission. I promise the House that I will be working with the Afghan government to provide as great a guarantee as we possibly can in that respect.

The hon. member can consult the Danish agreement. I did not have it before so I could not give him a specific answer to his question. However I will be giving him a copy and he will be able to look at it. It does provide in article 6 that in the event of any transfer, Danish forces would be notified, and that is the way that matter has been dealt with in that agreement.

Mr. Dave MacKenzie (Oxford, CPC): Madam Chair, I am honoured to take part in this debate regarding our Canadian Forces operation in Afghanistan but first let me say that this side of the House, and I am sure that side of the House, have the utmost faith, respect and trust in our young men and women who are going to Afghanistan. All of us understand the fears and concerns that family and friends have for our people who are there and those who are going. I think that is without question.

I would like to reinforce many of the comments made by my colleague from Carleton—Mississippi Mills with respect to terrorism. I would like to make it very clear that my party opposes any use of terrorism in the world. Terrorism threatens the very values a society such as ours is built on. All forms of terrorism must be confronted and defeated whenever and wherever possible because it is in Canada's national interest to make the world a safer place.

Terrorism is a very real threat in this country. We should never dismiss the war on terror as something that only affects our neighbours in the United States. Terrorists have reached out and attacked the innocent in London, Madrid and Bali. Canada is often named as a target country by terrorist leaders and there is little doubt that we too shall come under attack some day in the future.

However there has been poor communication about this venture. We as Canadians must accept the fact that we are on the terrorist list of targeted countries and we must also accept our global responsibility to do what we can to defeat terrorism. Canada has a role to play to make the world a safer place and, above all, to keep Canadians safe.

The Prime Minister has chosen to commit our Canadian Forces to take a lead role in the restoration of Afghanistan in the U.S. lead Operation Enduring Freedom. What is disturbing to me is that while our forces readily accept any challenge, the government has not brought this decision before the House for debate. Instead, the government prefers to make announcements outside the chamber and avoid serious examination by members of Parliament.

Given the seriousness of this mission, Canadians should have been afforded an opportunity to hear from the Prime Minister in this very chamber as to what our objectives and exit strategies were with respect to operations in Afghanistan.

Late this summer, while the House of Commons was adjourned, the government announced that Canada's role in Afghanistan would be expanding and troops would be moved into the dangerous Kandahar region. While the Minister of National Defence has made speeches in a variety of public forums about the new commitment, he has never made a statement or debated the issue in Parliament until this evening. He has never explained why we are abandoning our role in Kabul and why we have taken on a larger and more aggressive role in Kandahar.

Today, Senator Colin Kenny, the Liberal chair of the Senate defence committee, is quoted as saying:

There hasn't been a national debate about this. I don't see the kind of national commitment that says, 'Yes, this is worth sending our guys over there—that this is worth our neighbour's kid dying over there.'

I don't think they [the government] have made their case to the public for that.

In July of this year, Major-General Andrew Leslie said, "Afghanistan is a 20 year venture". This is the only known timeline discussed for this mission. I understand tonight what the minister said with respect to it being a one-year commitment but until tonight Major-General Leslie's comment was the only one we had in the public domain. Another example of how we must learn details of this mission from sources outside this chamber.

Taken at face value, 20 years is an incredible length of time for our Canadian Forces to be committed over there given their other

responsibilities. This will involve a severe taxing on our already exhausted forces and it will also bring casualties and cost an enormous amount of money.

Moreover, if in fact we are there for the next 20 years, how will Canada respond to other hotspots in the world? One has to ask whether the mandate is achievable and enforceable. Do we have adequate and properly equipped forces? How do we measure progress in this mission? Do we have a clear exit strategy? Will our mission in Afghanistan have an effect on how we are perceived in the world?

Many Canadians would assume that we are going to Afghanistan to keep the peace as we have done in so many other corners of the world but peace has not been achieved in Afghanistan.

• (2050)

We are moving from being a peacekeeping force to a peacemaking force and with that comes some very different realities.

Canada will be sending nearly 1,500 troops to take part in this operation and 250 of them will be taking part in provincial reconstruction teams. I must add that provincial reconstruction teams seem to have a different context depending on who is talking about them. We have talked tonight about different models, American models, British models and perhaps a Canadian model, but Canadians need to understand that this is not building houses for Habitat for Humanity. This is a totally different domain that we are going into. These PRTs bring a promise of adding security to the region and will take a leadership role in rebuilding roads, schools and hospitals in Afghanistan.

As we stand here in this chamber this evening, our troops are halfway across the world and are facing hostile danger in that wartorn country. For the PRTs to achieve any real progress they must first instill security. To do so, we must be offensive and that means our troops will seek out and destroy the enemy. This will not be an easy task. Afghanistan is known as Russia's Vietnam. It is an old and complex country of tribal warlords and lawlessness driven by the opium drug trade.

Many of the terrorists who took part in the 9/11 attacks in the United States were trained in terrorist compounds in Afghanistan while it was under Taliban rule. The Taliban also gave safe haven to Osama bin Laden and ran a ruthless, oppressive regime during its tenure. It is the Taliban that we now seek. Its insurgency continues to destabilize the southern regions around Kandahar.

Just this past year, Canada's new foreign policy was revealed and poorly received by many critics. To complement that, the Minister of National Defence tabled the results of his defence policy review with the arrival of the new Chief of the Defence Staff. By hastily committing our forces to Afghanistan without a clear plan, our generals are left to scramble a fighting force together in a very short period of time.

With that in mind, it is very clear that the Liberals once again have created a crisis within our Canadian Forces. It has been well documented that the cupboards have been bare for over a decade. The Liberal government sidestepped or completely ignored cries for help from our forces. It ignored the demands for more military spending from our allies in NATO and the United Nations. Instead of enhancing the capabilities, the Liberals deprived them of new money and resources.

Last winter in budget 2005 it had finally caught up to them. The Liberals made bold statements of giant cash infusions into our forces.

However the devil is in the details as is the case for most of what the government has produced over the last 13 years. Some \$12 billion have been promised over the next five years but in reality only \$7 billion is new money. Of that increase in military spending, only \$1.1 billion will go to the Canadian Forces in the first two years. That is barely enough to maintain what we already have. The rest of the cash, some \$6 billion, is promised in years three, four and five. A lofty goal made by that party.

In recent days, as we prepare to engage hostile forces in Afghanistan, the Minister of National Defence has been floating the concept of sole source contracting, a measure that is used to sidestep normal procurement practices to expedite the delivery of essential equipment to our troops who are already in theatre. This is clearly an admission of poor planning and neglect by the Liberal government.

The Minister of National Defence is desperately trying to purchase heavy artillery, fixed wing and heavy airlift capabilities, as well as armour protection for our vehicles. Instead of going through a competitive bid process, we are now subjecting ourselves to potentially substandard equipment because it is readily available for delivery. With the corrupt record of the government, one must consider that sole source contracting also opens the doors to abuse because of a lack of financial controls.

In conclusion, let me very clear. Canada has always risen to the occasion with its allies to combat evil in the world. The Conservative Party believes our presence in Afghanistan makes sense and is very much essential to our national interests. Taking an active role in Afghanistan also fulfills our duty and responsibility in the global community's war on terror. By pursuing terrorists to the best of our ability, we are making a significant contribution to winning the war on terror.

• (2055)

However, the government has handicapped our Canadian Forces through devastating budget cuts since 1993. It has left our troops in a vulnerable state with inadequate equipment, poor planning and duty fatigue.

A Conservative government would never put the Canadian Forces in the position it is in today. My party will continue to support the Canadian Forces on any of its missions, including this one.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Madam Chair, I would like to ask the member about sole sourcing.

Sometimes we may err when we generalize too much. The member may remember when the procurement experts told us that sometimes sole sourcing is a more effective method when there are no other producers of a particular item. For instance, if we have a sham competition when there is only one producer, that producer will know it has made the only bid and it may bid really high.

Would the member agree with some of the experts that there are certain conditions where it makes more sense, and in fact a lower price could actually be negotiated on sole sourcing, when there may be only one valid producer of a particular item the military needs?

• (2100)

Mr. Dave MacKenzie: Madam Chair, we have heard that comment on sole sourcing from industry sources.

The sole sourcing that I understand the government is talking about is in the context of it being an emergency and the product has to be purchased and there is only one supplier of the product. What we are talking about with respect to this sole sourcing is that we have let our military resources dwindle to such a point that we have committed it to an action where it needs equipment but we do not have the time to go through the normal tendering and evaluation process. We are simply taking what we can get because it is available.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Chair, the hon. member seemed to have a negative view of the anticipated new funding for the armed forces in that the new capital amounts made available will not be coming on stream for three or four years down the line. Would he not acknowledge that it is simply out of the question and the government cannot for any government department simply turn over a big bag full of money and expect that department to recruit immediately and acquire equipment immediately? Would he not agree that the whole process of acquisition of appropriate armaments and equipment for the armed forces requires a process of evaluation of requirements and it takes one or two years to even get there?

The member himself has just attempted to castigate the government for doing sole sourcing to get the equipment quickly. The whole process of recruiting new people for our forces and acquiring equipment, no matter what he or I do, is actually going to take many years down the road.

I am not so sure his complaint about a delay in the funding was well placed. That funding will be going in right at the time it is going to be needed for these procurements and new recruiting. Would he agree with that?

Mr. Dave MacKenzie: Madam Chair, the member's question certainly lays open this whole issue.

The member's party has talked about this huge infusion of money, but in fact it is not a huge infusion of money immediately. I do not disagree that all of the money could be used in year one, but we are so far behind to start with, and that is the issue we have about the sole sourcing. The government has let the cupboard get bare and it does not have many options to replenish the inventory. We are committing our people to an operation where they need the tools to do the job. There has been poor planning for the last 10 years and the government has let the military decline. Now it is talking about a huge infusion of money. The member is right, the military cannot use it overnight. The past has now caught up to us.

Mr. Derek Lee: Madam Chair, as fate would have it, I actually was in Afghanistan with our forces just a few months ago and I saw the equipment at work. Our forces are very happy with their equipment. They are not under-equipped. They are not short of anything, save perhaps one element. Everything they need on the ground is there and is working wonderfully. I suppose there has never been a time in human history when an army was totally satisfied with everything from their socks to their guns to their tanks to their support.

From personal experience I am suggesting to the hon. member that our forces are very happy with what they have and all the equipment they are using in Afghanistan. That is not to say they are ready to go to other countries and do other work, but on the Afghanistan mission they are more than well equipped. They are perhaps some of the best equipped and trained soldiers there.

• (2105)

Mr. Dave MacKenzie: Madam Chair, my understanding is there is something like 16 requirements for additional equipment in that theatre that have not been met. I do not think it is up to me to tell the government what they are. The military knows what they are.

Mr. Derek Lee: Name one.

Mr. Dave MacKenzie: Armour protection for APCs.

Mr. Gordon O'Connor: Artillery. Do you want me to name the 16?

Mr. Dave MacKenzie: Madam Chair, with all due respect, the member says that he was in Kandahar. If he thinks our troops are fully equipped, why would the minister want to do sole sourcing? We are obviously short of equipment. We understand that.

We are not trying to deny that our troops need the equipment. We are suggesting that they should have had it a long time ago. The government let the cupboards get bare and now it is time to try and pay the piper.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Madam Chair, is it true that the forces in Afghanistan still require equipment, that there are 16 requirements going through right now for equipment for the forces in Kandahar and in Kabul? There are still some forces in Kabul.

In addition, there were four aircraft requirements going through until today. At least three of them claimed to be connected to the Kandahar requirement. This includes armour protection, artillery, weapons for the troops, armour protection for trucks. There are even armoured patrol vehicles in there.

If the forces have all the equipment they need, why does the government need to ram through billions of dollars of new equipment for these people?

Mr. Dave MacKenzie: Madam Chair, obviously the member for Carleton—Mississippi Mills is far more aware of what the shortcomings are.

I agree with him wholeheartedly. If we are doing this stuff in a hurry, then we were shortsighted some time ago, not yesterday, not last week, but months and years ago. This is the problem.

I have been to military bases. I have seen some of our equipment. I have seen trucks on blocks with the wheels rusted off. We have let the military deteriorate to a state where we are so far behind that it is a case of catching up. We have to move into the future.

We all know about the airlift capabilities, the helicopters. That has been an issue for some time. The military has been shortchanged over the last several years. Now we have the forces in a theatre where they need the equipment. They have the people. They are excellent people, but we have not properly equipped them.

That is all we are talking about. We should have done this before we committed them to this theatre.

Hon. Larry Bagnell: Madam Chair, I want to follow up on my colleague's comments. I too have visited our troops in Afghanistan.

I will not comment on the future needs in Kandahar. Perhaps there were items that we did not know we would need. That is why we are purchasing them. I will not specifically comment on that.

However, I did ask our troops at the time I visited. The reason I went was to make sure they were well equipped and were being well treated. Indeed everyone I talked with was very happy with the equipment they had. They could not identify any other equipment that they needed. They were very well cared for as far as the operation goes. In fact, there were members of armed forces from other countries in our camp at the time I was there. They were there because our camp was so well run and the provisions were so good.

I just wanted to relate the particular experience I had. The troops I talked with were very happy. They felt they were well equipped. They did not express any needs at the time and they were very well provisioned.

Mr. Dave MacKenzie: Madam Chair, with all due respect, I have not been there.

I understand what the member is saying. I come from somewhat of a similar background to the military people. Sometimes when people ask them if they are happy with what they have, they have a certain reluctance to tell outside people what they are short of. This is the case with police officers and it is the case with the military.

I am not satisfied that our people are properly equipped with the tools they need to do the job. I am satisfied that we can provide those tools. We should have been providing the equipment to our troops in the last several years, not just trying to get it done in the next several weeks.

• (2110)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Chair, I am very pleased to participate in the debate on the issue of Canada's role in Afghanistan. We do not have to dwell too long on how we got there, but it was essentially part of the international effort to deal with the terrorism that manifested itself in 9/11 and has subsequently manifested itself in other places around the world.

At this time our forces are present in Afghanistan on a worthy commitment, one that Canadians have up to now supported. I think they will continue to support it, not because they see it as some great western conquest, but because they see it as a method of assisting Afghans to rebuild their country and to become a functioning state in the modern world.

As I mentioned earlier, I did have an opportunity to visit our forces there. Thanks to the forces, I was able to train with them in Camp Petawawa for a short period. I visited with two members from other parties. The experience was certainly one I will not forget.

Evident to me in that visit was the high level of training of the Canadian soldier. It was evident in comparison to other soldiers in the theatre, other military, other parties there. Our soldiers in our Canadian Forces across the board not only have superb training, but they show their superb training in what they do and what they do not do, in their body language, how they speak and how they deal with other people. That was evident to me as I watched them do their work in the camp, in the desert, in the hills and in the city. They seemed capable of working well in all of those environments, both in achieving the military objective and in getting along with the local people.

The issue of equipment has been mentioned. Both here in Canada and in Afghanistan the issue came up. I asked, as did my colleagues from the Conservative Party, and our forces are very happy with the new equipment, the LAV IIIs and the new G-wagon, the LUV, the light utility vehicle. All of these are armoured.

I, myself, witnessed the difference between the LAV, the armoured personnel carrier without the heavy duty armour and with the heavy duty armour. The armour added to the LAV III, the large armoured personnel carrier was at least an inch thick. That was added to the vehicle as part of the vehicle. While it is not necessary for training, it is used over there. The additional armour put into the transport vehicles was also there.

There are a few older vehicles that are used in different roles which do not have the add on armour, that is true, but for the main mission where the armour is needed to protect against the type of improvised exploding device, a bomb at the side of the road, a bomb in a car, there is lots of armour. The forces are trained and they know that they may be knocked out in an explosion, but they will not die. Their armour is quite good. I have already admitted that not every vehicle is fully armoured in that way. No army over there has full armour on every vehicle.

They are very happy with the new uniforms, both the old greens that are still around and the desert camouflage. I had the privilege of wearing both and they work well, from the socks right on up.

Camp conditions were excellent, as good as any around. There were many, many foreign troops visiting the Canadian camp for a

meal or for some other amenities. The Canadian camp was extremely well run.

• (2115)

Relationships with other forces were excellent. The Camp Mirage air support base in the region was extremely well run and is an asset that the military and Canadians can be proud of.

Of the many unforgettable experiences there for me as a member of Parliament, two aspects in particular stand out. First, as I mentioned, the quality and skills of the Canadian soldier are really quite conspicuous. The nutrition, the physical training and the team discipline are evident everywhere as a part of the Canadian military environment. Particularly noticeable was the ability of our Canadian soldiers to recognize and accommodate other languages, religions and cultures, a general accordance of respect to our Afghan hosts both in words and in body language.

With reference to the application of force to a threat to themselves or civilians, there seems to be a very good sense of proportionality of response. When force must be used, the men and women of our forces know what it means to be on both ends of a gun.

Most of the soldiers put big parts of their lives on hold to serve there so that we Canadians can contribute to the international effort to enable Afghans to look to a future of personal security and order in a place where their children can have fuller, happier lives.

I had an opportunity in more than one context to be face to face with Afghan hosts, regular people in the street and in the hills. I can say that when I looked into their eyes, I could see there was a recognition that most if not all of the foreign troops on their soil were there to offer that type of future. They did not fear the foreign military. It was pleasing for me to see that.

Another impression I had was that of the industriousness of the Afghan people. They all appeared to be working or ready to work at anything, however menial that might be. I have no doubt that given half a chance they will rebuild their country and do more than that. They will do it brick by brick, in the city or in the rural areas, and they will do it after a quarter century of war. They have faith themselves: they have their religious faith and they have faith in their country and their heritage.

I will close by saying that I could not be prouder of our forces there and of the other civilian components of our team now in Kandahar. I was there the night that the first vehicles left from Camp Julian in Kabul to go to Kandahar. That was the first move out of a relatively secure Kabul, although our soldiers did have some dangerous assignments prior to that, but it was a move down the road, through hills and valleys which we did not control. They left as usual in darkness, in the early hours of the morning. I had met, eaten with and spent time with those soldiers who were heading out. They moved out and down the road with all of the risks of ambush, et cetera. They got to their destination and thus began the move into Kandahar sector.

There are additional risks in Kandahar. They all knew it. They were trained superbly. I personally found their standing orders a little on the aggressive side from my Canadian perspective here as a member of Parliament; I do not have to live with the kinds of risks that our soldiers do. But those standing orders seem to work and they appear to be working very well.

In closing, let me say that those soldiers carry with them our hopes and aspirations as Canadians. I want to say that we are not going to let the terrorists take away the freedom that the Afghans have now. We are not going to do that. Even more than that, looking here from Canada, we can never let the terrorists take away the freedom that we have as Canadians here and the freedoms that we expect here and abroad.

• (2120)

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Madam Chair, I would like to get back to equipment, because the member alluded to it earlier and in his speech, and there were comments from the other hon. member about the forces being well equipped.

I think we are confusing two forces. There are the forces in Kabul, who are there in a peacekeeping role, and recently they got new armoured jeeps to protect them. As we can recall, a year or two ago, two of our soldiers were killed in unarmoured jeeps. Those jeeps have been replaced.

The rush for equipment right now is not for the Kabul role. The rush for equipment is for the new Kandahar aggressive role, where we are going to hunt down the Taliban. That is why more equipment is needed: because they are not adequately equipped for that role.

I want to deal specifically with two of the sixteen projects that are going through, one of which is the armoured protection for the LAV IIIs. The government is ordering 77 kits, but it is ordering 77 kits of level 1 protection, which is 10 year old protection.

The company that produces level 1 also produces level 3, which is lighter and more effective and gives those forces more protection. Yet the government decided to give them 10 year old armoured protection instead of the most modern and the most risk-free armoured protection. I wonder why that decision was made.

My second question to do with equipment has to do with the armoured patrol vehicles. The government is ordering somewhere in the area of 50 armoured patrol vehicles. At the moment, as I understand it, there are three possible competitors. The evaluation criteria are as follows: 50% is awarded for delivery on schedule; 30% is awarded to the best cost; and 20% to the best performance.

We are talking about armoured vehicles that are going into combat and we are setting delivery and schedule as two and a half times as valuable as the performance of the vehicle. That just seems bizarre.

Perhaps the member could explain to me these two procurements and why the government is doing it that way.

Mr. Derek Lee: I will deal with the second question first in regard to delivery on time. Failure to deliver on time means there is no vehicle, there is no equipment and we have nothing. The contract simply has to arrange for delivery on time because it is needed in an

appropriate way at an appropriate time, so incentives for delivery in selecting this equipment have to be built into the contract.

The first question had to do with the level of armour. It is a legitimate question, but the hon. member in his question has not addressed the level of risk and what we are protecting from. I suggest to the member that the LAV III, in reasonable numbers, is available and is being used over there with relatively high levels of protection.

We have to keep in mind that our role over there is not simply a military one. We are now part of a provincial reconstruction team, the 3D approach, where we are using diplomacy, development and defence. Those vehicles are going to be used not to transport soldiers into areas of intense military operation but to transport our 3D people, our development people, our CIDA people and our teachers. Many civilians are going to be working there. These vehicles are going to be used to transport those people into more remote areas in the Kandahar sector.

We simply will not be sending our people out where there is recognizable risk, so the risk levels where those vehicles are to be used is a reduced level of risk. That is not to say that something cannot come in unannounced and unreconnoitred, but we need a whole range of vehicles for that kind of provincial reconstruction team. We do not need a Sherman tank for every soldier there. We need many different types of vehicles for different purposes.

I respect the member's objectives in ensuring that all our Canadians are as protected as we can have them, but the vehicles we are selecting also have to be manoeuvrable, although I found the heavily armoured LAV III very manoeuvrable even in intense city traffic in rush hour in Kabul. Perhaps it was just that the people rather politely got out of the way. The LAV IIIs are very manoeuvrable even when heavy. The smaller G wagon, the LUV, the light utility vehicle, would labour with more armour and might not be so manoeuvrable.

That is an attempt to answer some of those questions.

• (2125)

Mr. Gordon O'Connor: Madam Chair, I want to follow up on those answers.

First, we are talking about protection, not firepower. We are not talking about putting tank guns on these things. We are talking about protection. We are talking about protection against RPGs, 50 calibre or 20 millimetre armour piercing rounds. It does not matter whether a vehicle is carrying eight people or soldiers, the bandits in that country have all these weapons. We should be putting the best armour that is available in Canada, and right here in this city, on these vehicles. I just do not understand why that is not being done.

On the other argument about the armoured patrol vehicles being on time being worth two and a half times as much as performance, I will agree that being on time is important. A schedule has been set out to be on time and the schedule extends on for many months because the vehicles are not sitting in a parking where they can be picked up. They have to be manufactured.

But cost has been set even above performance. Performance is what counts in the vehicle. Performance is whether it goes across the proper areas and terrain and whether it has enough protection and power. Yet it is the lowest qualifying matter for the evaluation. It just does not make any sense.

Mr. Derek Lee: Madam Chair, the hon. member knows that even though timeliness of delivery is listed as a major factor, at the end of the day every vehicle delivered has to meet the specifications. We are not going to be accepting substandard equipment. The equipment will be delivered on spec and, even more importantly, on time. This is where that is coming from.

Second, he has described the RPG as being part of the continuing environment over there, but in fact I actually am not aware of a recent incident of the use of an RPG. I accept that they are over there. Where military or other intelligence shows that this type of weaponry is out there and is about to be used—and we do get that type of intelligence—then we will enlist the proper vehicles. These types of attacks actually do not just pop up. Much of it can be recognized through local intelligence.

In addition, the vehicles going out there are selected for use based on the risk. As for our heavy fighting, our fighting edge, our sharp edge, which someone described earlier as going out to hunt down the terrorists, in polite company around here we do not talk about it. Yes, we do have a very effective fighting capability and it is over there. As it needs to be used, it will have to be used and Canadians will respect that, but we are not all over there organized in a hunt to hunt down, kill and engage like we see in some of the American movies. We are going there to help Afghans rebuild. We do not do that with guns slung over our shoulders. We have to do it in a way that the Afghans will accept and they are accepting the Canadian way now.

However, there will be circumstances of danger. We have adequate forces, extremely well trained, to deal with the conditions of engagement of heavily armed opposition. Most of our work will not involve that. The vehicles chosen for that work will be appropriate to the risk. I have just as much interest as the member does in making sure that is what happens.

• (2130)

[*Translation*]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Chair, I am pleased to take part in this somewhat emotional and worrisome debate since it concerns the decision that has already been taken to send our soldiers to Afghanistan. It will be no picnic. Our soldiers are not going on a peacekeeping mission. The mission's main purpose is to clean up the Kandahar region, occupied by the Taliban, most of whom are generally members of al-Qaeda. It will not be an easy mission.

This evening I hope that every Canadian and every Quebecker makes a special wish that nothing terrible happens to these young men and women on the other side of the world and that there is as little loss of human life as possible.

I want to devote part of my speech to the PRT, or the provincial reconstruction teams. Let us take a brief look at their background. In December 2001, the coalition set up the Joint Civil-Military Operations Task Force to supervise the civilian operations of the Coalition Humanitarian Liaison Cells. These cells had multiple

missions. As the Americans said, their goal was “to win the hearts and mind of the people”. Their other mission was to start reconstruction and help boost public opinion of the coalition's image.

One of the letters in the acronym PRT stands for reconstruction. In my opinion, reconstruction means restoring infrastructure, the water system, destroyed roads, and so forth. To do this, military personnel have been sent without uniforms or defining features and in unmarked vehicles. This has been a huge problem for NGOs. They work much better with the 3D approach: defence, diplomacy and development assistance. My dictionary distinguishes between reconstruction and development. We can develop health care or parenting skills. Developing a society means learning to create companies and provide jobs. That is called development.

In my opinion, development is best left to the NGOs, while the PRTs should be responsible for reconstruction. However, the PRTs and the NGOs should work hand in hand when it comes to defence and diplomacy.

• (2135)

Unfortunately, as my colleague from Saint-Jean said, there will not be too much diplomacy going on. That is what is happening.

Now I want to talk about guidelines. What should the PRTs do? First, they should concentrate on security. Restoring security is important, such as training the Taliban to be good police officers. In fact, the RCMP is part of the PRTs. They should be responsible, for example, for protecting and properly handling the prisoners of war. That is their role.

The PRTs should refrain from providing and distributing humanitarian aid—such as food, for example—except in emergency situations. That should be the mission of the NGOs, just as Doctors Without Borders provides medical care.

As I said earlier, the PRTs should concentrate on infrastructure reconstruction and local security reform, rather than so-called quick impact development projects. Such efforts are well perceived and quickly implemented, but the PRTs should specialize in long-term projects.

The PRTs must answer to the local communities and their government, which knows how things are done there. Their system of education and culture are different from ours.

From my point of view, there is a major difference between development and reconstruction. Reconstruction is more mechanical, physical construction, whereas development is more intellectual and focussed on people's well-being. That is the difference between the two.

I have one big wish. I wish that, unlike the situation post-Gulf, post-Bosnia, post-Kosovo, we will not have any young military personnel coming back from this conflict with post-traumatic stress. In two, three or four years, when it is all over, I hope there will be not be any veterans like Nathalie Gagnon, Georges Dumont, Stéphane Grénier, Marc Hamel, Louise Richard, Marc Stében and François Gignac. Those young people have all been to my office to tell me how their lives have been shattered by the problems they have experienced and by PTS. They are all around my son's age.

I am very emotional about this issue. I am speaking to the chair of the Standing Sub-committee on National Defence and Veterans Affairs. I feel that, unfortunately, we MPs are not concerned enough about taking care of these young people.

In conclusion, the situation in Afghanistan is far from being stabilized. I hope I am wrong about this, but I do not think it will be an easy task.

• (2140)

[English]

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Chair, I enjoy serving with the member. He talked a lot about provincial reconstruction teams. I wanted to make a comment on the one I visited in relation to the three block war.

This is a very appropriate expansion of our troops' abilities, not just peacekeeping in one block, but there are times when we have to fight to protect the innocent. Then there are times when we have to provide humanitarian aid or development aid, as he would term it, before it is safe for the aid organizations to get in there.

The provincial reconstruction team I visited at Gardez in Afghanistan consisted of soldiers who had to protect civilians. They were well armed to the extent that they could carry out peacekeeping for those who wanted the peace. They also delivered humanitarian supplies, water and food and helped girls get back to school. At that time in that state it was a very dangerous part of Afghanistan and no aid organization could go in there. It would have been too dangerous.

In my perception of the three block war it is appropriate only when it is too dangerous for anyone else. We can give people food to survive and meet their basic needs. Then, as the member says, the army would no longer do development or humanitarian aid. The regular agencies that do it so well and so professionally would carry that out when it is safe for them

[Translation]

Mr. Gilles-A. Perron: Mr. Chair, I can understand my colleague's position as well as his concerns. We must not lose sight of the fact, however, that the people over there are military personnel. They are there to defend Afghans, young and old, and to take care of them. I do not know if they have the training for the education, health and medical care this population requires. How prepared and open are the Afghans to receiving help from military personnel rather than civilians?

In my view, the NGOs lack the warlike aspect of the military and their military equipment. They are armed with kind words, consolation, food and medications, with which they will win over the hearts of the people of Afghanistan.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, I had the opportunity to travel to Afghanistan about a month ago. It was most interesting to see. The member mentioned the three *Ds*: defence, diplomacy and development. They do not really all take place at the same time or follow one another. They occur in various places and not in any special sequence. Sometimes they do occur at the same time.

One thing I find very interesting is the fact that the development going on in Afghanistan can be seen.

I had the opportunity to visit Kabul, where I went first. I thought things were very difficult there. Later on, I went to Kandahar. I saw there the difference it made. I saw that Kandahar had once been what Kabul is now.

The armed forces have made the difference. I saw that people appreciate what they are doing. I was especially proud watching children and the people talking with the Canadian armed forces. They were very proud and treated them very warmly because they understood that the Canadian Forces were their friends and had come to help them. I was very moved to see that a Canadian soldier in Afghanistan is welcomed by the people of the region.

I come back to what I said at the start. It all begins with defence. Going there and providing some stability is essential. Once there is stability, development can occur and progress follows. In Afghanistan the difference it makes can be seen. I think the three *Ds* happen all at once in places all over in Afghanistan, wherever our forces have been.

• (2145)

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Chair, I want to point out to my colleague that I never denigrated members of the armed forces, far from it. If you interpreted it that way, then I apologize. We do not speak the same French.

I agree with you, the three *ds* are there. You were at the Standing Committee on National Defence and Veterans Affairs meeting. You recall that on October 4, we had a presentation. As far as development is concerned, or the PRT, in February 2006, there will be 23 people. And with respect to diplomacy during that same period, there will be 14 people out of 2,451 soldiers. Yes, this is happening at the same time, but I think we have 98% for defence and only a small fraction for the other two *ds*, namely diplomacy and development. Perhaps there could be better balance.

Mr. Anthony Rota: Mr. Chair, I could draw a parallel and perhaps give an example. Let us take a city like Ottawa for example. We have a mayor and some counsellors, maybe 24 or 25, but how many police officers do we have? In this example, we see that diplomacy is at one level, but keeping the peace is at another level, and it is the police who take care of that.

Mr. Gilles-A. Perron: Mr. Chair, my friend from Nipissing—Timiskaming is not being in the least bit serious. We are not talking about Ottawa but rather Kandahar. Diplomacy, defence and development assistance are not the same in Ottawa and Kandahar. They do not exist there; these people have nothing.

We went and saw the devastation. There are almost no houses, no roads, and no water or waste water systems. Everything needs to be rebuilt from scratch. How many young girls go to school in Kandahar, Afghanistan? They are never seen in public. They have to be sent to almost underground schools.

This is not the army's fault. This is the society in which these people live. It is our job to help them. I understand that we want to help them out of their abject poverty and improve their lives, but let us be logical. There needs to be a better balance between diplomacy, defence and development assistance.

That is my question. I am not saying that we are doing things badly, but could we improve the situation by increasing diplomatic efforts and development assistance. I have nothing against this plan here. However, we could improve it by putting a little more emphasis on diplomacy and development assistance and by adding things. That is what I think.

• (2150)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Chair, I join this debate in mid stream. It is a very important debate. What is a PRT and how can defence be brought into balance with development assistance and diplomacy? I think my colleague has answered very well. In the area we are in, our main concern is security, because without it there would be neither development nor assistance. Without security, there would be no schools, hospitals or roads. There would be nothing. Security must be our first priority.

Our policy on development assistance—I would like you to visit Afghanistan, Mr. Chair—involves many people, not to mention the personnel with the PRT. We work with NGOs, but it is with the government of Afghanistan that we work to make our assistance available through many other things.

I understand and respect my colleague's opinion, but I think a little more subtlety is needed in looking at other avenues for providing the necessary aid and striking a balance. It is this I would suggest to our colleagues in the House.

Mr. Gilles-A. Perron: Mr. Chair, I believe we are getting bogged down. All viewpoints, avenues and means of success must be considered. No mistake can be made.

I am aware that security is important, but helping the people of Afghanistan is important too. This unfortunate people needs help urgently. Is our military better equipped than NGOs to provide it? These are the questions we have to ask. It is easy to talk theory and practice, but let us stop and make the right decisions. That is what counts.

What counts is that we reach this goal and make these people happy, give them the tools they need to take control of their lives as soon as possible.

[English]

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Chair, it is a pleasure for me to be here this evening to speak on this particular topic, especially because I would like to focus my remarks with respect to the women of Afghanistan. There is quite a story there.

Canadian engagement in Afghanistan is making a difference in the lives of Afghans, in the lives of ordinary people, and in particular, women and girls. Women and girls have a reason to be hopeful about their future and the future of their country. They are being empowered to be participants in civil society and in government.

It is only by making women a part of Afghanistan's recovery that change and progress will be sustainable. We must draw upon the capabilities, resources and commitment of both men and women in order to ensure that sustainable reconstruction is achieved. Women possess skills and capacities that can help in the task of rebuilding the country. Without the participation of women, there is no sustainable development, not only in Afghanistan, but in any country that I know of.

Canada has been outspoken about the importance of the active participation of Afghan women in political, economic and social life. We have drawn attention to the ongoing violations of human rights in Afghanistan, particularly for women and girls, and made the promotion and protection of human rights a priority. We have focused much of our advocacy and diplomacy work on the violence that continues to be perpetrated against women and girls across the country.

Because the Canadian approach leverages resources across government in support of a common goal, we are able to maximize our impact. Improving the situation of women and girls in Afghanistan has required mutually reinforcing engagement from the military, diplomats and development professionals.

We have worked within the multilateral context, including at the UN General Assembly, the UN Commission on Human Rights and the UN Commission on the Status of Women to ensure the human rights situation in Afghanistan gets due consideration and remains integral to the work of the international community.

Canada has funded a number of projects specifically targeting women, such as Afghanistan's first ever human rights development, which includes a gender development index, which looks at the discrepancies between men and women in terms of the human development indicators; the process of constitutional consultation with experts and civil society, including women's organizations; the Afghan women's rights fund and Montreal-based Rights and Democracy; gender training in the context of reconstruction and peace building; and the media support projects by Vancouver based NGO IMPACS, which has created women's radio stations across the country and enabled women to participate in the reconstruction of their own society.

These are our achievements because they are creating an inclusive society where women in fact are partners in building and taking back their communities, their society and their country.

With Canadian funding and support, Afghan women played an important role in drafting the Afghan constitution in which the principle of gender equality is enshrined. The constitution also guarantees women's rights to serve in parliament.

On October 18, 2005, just two weeks shy of the fifth anniversary of UN Security Council resolution 1325 on women, peace and security, which calls for the involvement of women in all efforts to build peace and security, 582 women ran as candidates in Afghanistan's provincial and parliamentary elections. This is quite a historic achievement considering where women were before Canadians and others were there to assist the rebuilding of Afghanistan.

When I was Minister of International Development, I remember being involved and trying to provide education to women, yes, in a covert way because we could not get past the Taliban to even provide nutrition so women and girls could actually survive physically. To get doctors to them was actually taking one's own life in one's own hands in those days. Now we have 582 women running for Afghanistan's provincial and parliamentary elections. This is absolutely fantastic. Women accounted for 44% of the new voter registrants. Showing up at the polls on voting day and casting their ballots, Afghan women demonstrated that they are taking control of their future, even in the face of threats.

• (2155)

However our work is not done. Women and girls continue to face challenges and serious violations of human rights. Canada is working to ensure that constitutional and human rights norms are implemented throughout the country. The crucial step now is to take the guarantee of equality between men and women enshrined in the Afghan constitution and make it applicable to the daily lives of women and girls.

For instance, there are still communities where early and forced marriages take place. Violence against women remains prevalent. Women are still being treated as property. This is the case when some men use their sisters and daughters as payment for their debts.

Canada is committed to assisting the Afghan authorities to implement human rights obligations, including their obligations under the International Convention on the Elimination of all Forms of Discrimination, a convention to which both Canada and Afghanistan are a party. This requires building the capacity of both women and men, boys and girls, so that they play a concerted and equal role in the rebuilding of their society.

In the reconstruction of Afghanistan, Canada continues to press for the full participation of women in post-conflict governance and rehabilitation activities and for the creation of a government wide gender strategy and action plan.

As a special advisor on women, peace and security to the Minister of Foreign Affairs, I will continue to press for the inclusion of gender concerns and the participation of women in an effort to bring sustainable peace and security to that country. Canada will continue to work with Afghans to build a stable, democratic and self-sustaining state, respectful of the rule of law and human rights throughout the country.

It is absolutely fundamental that we continue to work with women and girls in Afghanistan. As I said earlier, I have not seen a nation which Canada has worked with in development where development is sustainable without the participation of women at all levels of society, whether it be social, economic, political or governance. It is also extremely important for the stability of the democracy and the governance of a country that women are part of the structure and part of the decision making process.

I am extremely pleased to see that we are doing a great deal but we have a long way to go. To me these are, to some degree, baby steps. The most critical thing right now is to maintain the kind of stability that will allow for the governance structures of a democratic process to really become consolidated, strong and grow really deep roots. Otherwise, the gains that we have made could be lost.

This is a critical time when we actually have to maintain a sustained effort and support the work for the long term so that it becomes a permanent part of Afghan life. This is where it is most important. I find sometimes we move out of situations a little too soon. We think we have accomplished peace because we have stopped either the killing or the violence in the short term but that does not give the long term stability that is needed. I could mention a couple of other places where I have been where that may have happened.

I would encourage us all to keep focused on the long term because that is where the results and the gains will be made.

• (2200)

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Chair, I agree wholeheartedly with the member that one of the good byproducts of basically invading Afghanistan and getting rid of the Taliban government was to allow many young girls and women the freedom that they had not experienced for many years.

Hon. Maria Minna: Mr. Chair, the member is quite right but I want to emphasize that it was not only about freeing the women and the girls. It was also about saving their lives. Not only were the women and girls captives in terms of their daily freedom and movements but they were also being denied health care. Doctors were not allowed to see these women and girls. They were denied education and nutrition. Women and girls in many cases were fed last if there was any food left.

A number of studies were done at the time when I was a minister where we were trying to identify how we could bring in the world food program to provide nutrition to some of the women and girls in some of the areas. We were always trying to work with the Taliban but sometimes we had to leave because they would not let us in.

At the same time, we found out through that study that women's bones were literally becoming soft because of a lack of nutrition. Their lives were literally at risk on a daily basis.

When we talk about human security, it has many faces. It is not just about being secure from bullets, which is of course important, but it is also about being secure in many other elements of their lives which can be just as dangerous to our existence as anything else.

I am really pleased with the fact this is probably the most visible benefit of all that has happened in Afghanistan, and the member is quite right about that.

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Chair, I think all members of the House would agree that the ability of the international community to support a greater role for women in Afghanistan has been one of the undeniable successes of international intervention there.

The hon. member mentioned the number of women who ran in the recent elections in Afghanistan. I wonder if she would have anything to say about that. I understand that some very significant women were returned to Parliament, including one Afghan woman of Canadian origin who ran in the southern province and who defied many warlords in her determination to obtain a seat. It is her voice and other voices at the political level that will also help advance this cause. I wonder if the hon. member has anything to add on this subject.

● (2205)

Hon. Maria Minna: Mr. Chair, 582 women ran in the last election, which is quite a record considering the situation and the environment in which they were living prior to that. A Canadian woman did run in the election and was elected.

However, despite all of that, even now the struggle is a major one. The environment, obviously, is still not safe, which is why our military and other armed forces are in Afghanistan. The government is still fairly fragile. The infrastructure of governance is still being built in many cases and the women have a tremendous role to play.

However it also takes a tremendous amount of courage, a great deal more, I have to say, gentlemen, than it does for the men. In addition to having the threat of the environment that exists, females can also be targeted directly, specifically and very purposely. There are still those in society who do not want women to participate. They want them to stay in their places, to stay in their homes and to stay hidden and invisible. I cannot say how I would react if I had to run for office in that environment. They are very brave women. These women, with men and families who support them, will be the ones to make the difference in Afghanistan in the long run.

That is the reason they need us to be with them side by side for the long term. They need us to protect them, to help them, to assist them and to give them the kind of partnership they need to take back their country and to build a future for not only themselves but for their children. Ultimately that is what this is about.

The only way we can really make a difference is to ensure that, however difficult and whatever the differences we may have, at the end of the day we stay the course with Afghanistan for the long term. This is not a short term solution and it never is. The situation that exists requires a great deal of work. Building a strong government takes a long time. We just need to look at our own country. We did not just evolve over a decade. We have been at it for a couple of hundred years or more and we are still changing.

There is a tremendous amount of work to be done in Afghanistan. It has gone through tremendous pain and faces a number of challenges not only in terms of its physical security, defence security

and human security, but there is also the issue of narcotics and governance structures, et cetera.

The women and the children need our support because ultimately they are the future of that nation and they will make the difference as to whether that nation succeeds or fails. It was one of the failing states but now it is being reborn and it is moving forward. We have an obligation to ensure it gets there.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Chair, my question with regard to Afghanistan relates to the hon. member's experience when she was minister for CIDA.

We know that the situation in Afghanistan for decades has been one of insecurity for the people who are there, and now because our forces are there with a multilateral coalition of forces, the people of Afghanistan have a chance for security.

The hon. member knows full well the inability of citizens and civilians in areas that have failed or are failing to get access to basic health care and basic services. If our military were not there with other coalition forces, would the people in Afghanistan, particularly in areas outside the major centres, have access to basic medical care and basic nutrition that is essential for them to survive, for their children to have proper nutrition so they can think and go to school, and for women to have children with normal birth weights as opposed to low birth weight infants and high infant mortality and morbidity statistics?

Is not the reason that our forces are there is to provide security on the ground so the people of Afghanistan will be able to build a structure and they will be able to take charge of their country in a secure environment and be able to provide the basic needs that any stable country requires?

● (2210)

Hon. Maria Minna: Mr. Chair, there is no question that we cannot build anything or form a government in a state of violence and total insecurity, which is why we need to stabilize the situation. We need to continue to have Canadian armed forces and other forces over there in order to maintain stability, peace and security which will allow the building to take place.

The election itself could not have happened had there been violence, total chaos and anarchy, which of course would have been the situation in many cases. Women would never have dared to participate in that election if there had not been a certain stability and secure environment. They are still at risk all the time but at least they have an ability to move about and participate.

While I have not been to Afghanistan, I have had the honour of visiting Kosovo, Haiti and a couple of other places where our armed forces have been, and I can tell members that Canadian soldiers are second to none. When I visited them in Kosovo, not only did they do peacekeeping during the day, which they had to do, but in their off hours they were building schools. At the schools I visited, the children all had pictures and drawings, some showing horrible fear and panic which was happening prior to our soldiers arriving. However in one particular picture which I will always remember was a drawing of a Canadian soldier with a child peeping out from behind the soldier, kind of daring to look around our soldier but hiding in part and using our soldier as protection. It showed the trust of that child in our Canadian armed forces.

I am very proud of our forces and I am very proud of what they do on the ground and in partnership with CIDA. CIDA does a tremendous amount of excellent work on the ground. I could not say these things while I was minister because it would have been bragging but I can now and I am proud to say it. The NGOs are great partners on the ground and without them we could not work because we deliver all our programs in partnership with the NGOs. This is a partnership with our armed forces, with National Defence, with CIDA and with our partners on the ground and it is a successful one.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Chair, it is clear in the discussions from this side of the House and as we are hearing from the other side of the House that we support 100% our troops and the initiatives that are taking place in Afghanistan. Certainly I feel comforted knowing that General Rick Hillier is at the helm. He has clearly proven to be and I believe will continue to prove to be more than capable of the task. The troops have great confidence in him and we have great confidence in him also.

I want to congratulate my colleague, the member for Carleton—Mississippi Mills, for an article which he published not too long ago which raised some important questions. I believe that article was significant in getting the government to recognize that it is time to talk about why we are doing what we are doing. When a nation sends its troops into harm's way, citizens clearly have the right to know what we are doing, why we are doing it and how we are doing it. That is the importance of this debate tonight.

Defence policy is and should be an extension of foreign policy. The foreign policy of a Conservative government would certainly be to recognize that it is in Canada's best interest to defend emerging and threatened democracies. It is in our best interest to promote democracy, defend emerging democracies and stand up for and defend threatened democracies.

It is virtually a corollary that democracies do not go to war against each other. The more nations around the globe that become democratic, the less chance there is of war certainly between the democratic nations. That is why it is in Canada's best interest to be at peace, to see peace advanced in the world. At times it has to be done in this particular fashion. The government should continue to make that point so our citizens know why we are putting troops in harm's way and why we are doing what we are doing.

It is another corollary that dictators and vicious dictatorial regimes, especially like the Taliban, never give up without a fight. As one of the members opposite indicated tonight, and I am not

saying the Minister of National Defence shares this view, to suggest that we are now going to allow our troops to be put at risk is being naive. Our troops were at risk the moment they landed in Afghanistan. They are there for a great purpose. We need to acknowledge that purpose, congratulate them for what they are doing and to remind our citizens that this is in Canada's best interest. That is why we raise questions, and we do have questions.

My colleague from Carleton—Mississippi Mills with his considerable experience has gone into great detail in terms of the equipment itself and the logistical matters. I will not try to match his expertise, but we are raising important questions. Is the mandate realistic, clear and enforceable? Are there clear rules of engagement for our troops? Do we have properly equipped forces?

As we raise these questions, family members of our troops may be listening to this debate or may follow the reports of this debate tomorrow or at a later date. We do not want to cause undue alarm in their minds and hearts. As a matter of fact, this process will help to ensure that their loved ones will have the resources they need. Clearly they do have resources, but are they the best resources possible?

There have been great announcements about spending increases related to national defence. The government can talk about \$12 billion but in fact the front end load of that is only \$500 million this year and \$600 million next year. The promise of increased resources are not until years three, four and five. That is making a great presumption on what the voters might be deciding only several weeks from now. We know there are questions related to the resources and how those are procured.

There is the question of whether we can sustain this commitment and still engage in other international crises if they arise. How are we going to measure progress in the theatre in Afghanistan? What is going to be the definition of success?

• (2215)

I appreciate we have already heard tonight some of the things that will be related to and are being measured. We have to have a definition of success and we have to have a clear exit strategy. What are the milestones that will be achieved that will determine when we will exit?

This point of our resources is so important. It has been said by wiser people than myself who understand what military involvement is all about that armed forces have two primary purposes, to either deter or to destroy the enemy. That may sound harsh, but it is the reality. That is the purpose of armed forces. Certainly they can be involved somewhat in other duties as peace is achieved. It is important to remember our history. In the last 10 to 20 years we have heard of Canadians as peacekeepers, but Canadians predominantly have been peacemakers down through our history.

We do not have to walk too far down the banks of the Ottawa River to see a plaque acknowledging in the mid-1800s the *coureurs de bois* and others. Even before Canada was officially a nation about 400 of them volunteered to go and fight with the British expeditionary force on the Nile because they had great expertise in canoes and other small craft in terms of navigating the waterways. They were brave fighters then. In the Boer War we were there in that particular theatre.

In the first world war it was in dynamic places such as Vimy Ridge where Canada became a nation. Why do we say Canada became a nation there? In that particular battle, other nations and other forces had tried to dislodge the enemy and they had failed. It fell upon Canadians to do what was thought to be impossible in terms of scaling the hills and the ridges that made up Vimy. Canadians did it and this was the first time they were fighting just as Canadians with nobody else to help. Others had failed and we prevailed and it was a significant point in the war.

In the second world war on the beaches of Juno, in the Italian theatre, in North Africa and all the other places and then again in Korea, Canadians were fighting.

Canadians do not like it when people get bullied. We do not like bullies. We never have. We have never backed down from defending people whose rights are being trampled on. We need to realize that is why we are in Afghanistan. There will be peacekeeping. There are peacekeeping aspects of this operation but it is peacemaking and it is high risk.

We pose these questions and we do so remembering our history and not being shy about it. As we have already heard to a degree tonight, we need to trumpet the accomplishments of what is going on there. It is absolutely remarkable to see democracy being sustained. It is weak, but it is growing and it is becoming stronger every day and largely because of our commitment and the commitment of other countries there.

The government has had a reticence of late about acknowledging valour among our troops. There was a terrible situation in the Balkans not too many years ago where the Princess Pats were under extreme danger, possibly at the point of elimination. They had been told they were not even to return fire and they had to literally fight for their lives and the lives of others. They did so in an extremely courageous and skilful manner. There was very little acknowledgement of that by the government.

There are experts in our military and very recently some of our snipers who were awarded and acknowledged by other countries for their expertise, their valour and their courage on what they did to save and preserve lives. Yet the government almost seemed to be embarrassed about that and does not like to talk about it.

Our top guns, our aviators in competition with the United States often win those top gun competitions but there is a reticence to acknowledge that. I am not talking about the glorification of war. I am talking about the recognition of commitment.

School children to this day in Holland are taught about the great price paid by Canadians in peacemaking. Still to this day the children in the schools in Holland tend the graves of Canadians. Students in Holland have a greater understanding of what Canadians

did than do Canadians in our own schools because we do not properly recognize it.

● (2220)

We hope there will be no deaths in Afghanistan, but we are being realistic and families are prepared for the eventuality of this high risk area. I hope 50 years from now, as Afghanistan children who have been taught in their schools about the price paid by Canadians, if they have to either tend graves of Canadians or just acknowledge that Canadians were there, I hope that as they do they also know that children in Canadian schools are being taught why we are there.

These are the unfortunate eventualities of history, but we are there. We are asking questions to make sure the mission is successful. We are asking for full recognition of the great valour, courage and commitment that our troops are making as they are there.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Chair, the hon. member is the foreign affairs critic for the Conservative Party but I have to correct him on a couple of points.

I am not sure if he is aware that in the 2005 estimates, if the opposition chooses to join us, they would agree to spend an extra \$1.3 billion on our armed forces for 2005. That is in addition to the \$500 million that we put in this year, a number that is going to ramp up over the next five years to a total of \$13 billion. That is only a small down payment of the government's commitment to reinforce our armed forces, to give them the personnel, troops, training and equipment they need to do their job. The member has to recognize that the Minister of National Defence and the Minister of Finance have put on the table this week an extra \$1.3 billion this year alone for our armed forces.

On the issue of recognition, he also has to acknowledge that the Minister for Veterans Affairs declared 2005 as the year of the veteran. That is a clear acknowledgement of the desire on the part of our government, and indeed I would say the whole House, to recognize the sacrifice, the commitment, the courage and the bravery of our armed forces. It recognizes the sacrifice and commitment the armed forces have given, are giving and will continue to give in the future, be it in Afghanistan or in other parts of the world.

He mentioned that the purpose of the military is to deter and destroy. That is certainly part of its role but the type of asymmetric threats we face today go beyond the need simply to do that. As the former minister for international development mentioned in the House a little while ago, for a country to stabilize itself, security must be defined in a much broader context. Yes, our armed forces engage in combat and they do an excellent job. Yes, they engage in peacekeeping or peacemaking, which is war by another name. They also enable places to have security. They enable food to get to the hungry. They enable medications to get to the sick. They enable people to carry on with their lives in an area of insecurity. Our forces enable that to happen.

Recently the DART provided potable water in Pakistan. A person in an earthquake zone who did not have potable water and was going to die of thirst would be very thankful for Canadian Forces soldiers who would be able to provide the potable water that would save the person's life and the lives of his or her family members. That is something our armed forces are doing right now.

Our armed forces cleared roads to enable convoys of NGOs to get into areas that previously were unreachable because of the earthquake. Our armed forces were able to lift that capability into the earthquake zone and open up those roads, which enabled lifesaving material to get to the people who needed it.

Does the member not acknowledge the fact that the government would like to put in \$1.8 billion if he and his party would agree to it this year? Would he not also agree that we have acknowledged the extraordinary contributions and will do more for our armed forces by declaring this year the year of the veteran? Would he also acknowledge that in Afghanistan and other parts of the world the role of the armed forces is more than the World War II vision, but something that is more holistic and involves everything from getting aid to an area to full combat capabilities and everything in between?

● (2225)

Mr. Stockwell Day: Mr. Chair, I am glad that after several minutes the member opposite finally repeated the question. I was paying attention, and I know the hour is getting late, but I was getting lost in terms of what the actual question was. I am not sure that I totally grasp it now. I will stand corrected if I do not get it, but he started his remarks and closed his remarks by talking about an extra \$1.8 billion.

I want to repeat something here. A great and grandiose commitment was made in terms of money going into our national defence, of \$12.8 billion extended out at least to five years, and I want to talk about how some of it is going even further than that.

This year, the first commitment for that was \$500 million. That is a paltry amount given the challenges we are facing and the needs of the armed forces before they went into Afghanistan. The year following it is \$600 million, which is still not much of a ramp-up for the incredible needs they face.

I want to point something out here. The member talked about another \$1.8 billion. I know that as we toss these figures around taxpayers are trying to grasp the order of magnitude of what we are discussing here. The member opposite talked about an extra \$1.8 billion. In light of the fact that we are talking about what is going on in Afghanistan, some people might mistakenly believe, although I am not saying he intended this, that a good chunk of that money is going to our troops there or for troops who might be engaged in other actions.

In fact, of that \$1.8 billion, over \$1 billion is for the upgrade of our frigates and that extends out for 10 years. So to suggest that a significant portion of that added \$1.8 billion is going to our troops in Afghanistan is simply not the fact.

The member also talked about places in the world where our troops are doing good. That needs to be acknowledged. He also talked about the importance of getting the resources to the people in need.

If that is his focus, why has there been so little comment here from the government, from the federal Liberals, on the fact that a huge portion of the aid that went to Sri Lanka following the tsunami is being blocked from going to the most needy regions in the north and the east, largely the Tamil regions? That money is being literally blocked by the Sri Lankan government. We do not hear a public complaint about that from the federal Liberals.

The member can talk about money going to where it should, but in fact it is not being maximized in terms of efficiency and we are not raising a diplomatic row about the fact that the Sri Lankan government is blocking the areas in that country, the north and the east, that have been most devastated.

Using another example, we are involved in reconstruction in Iraq, as we should be. We are not involved there militarily, but we are involved in reconstruction. There was a tranche of some \$300 million committed to that. When we talk to officials in Iraq, we find that they are somewhat distressed because the government just sent the lion's share of that portion to be administered through the United Nations, whose functionaries sit in Jordan. It is not getting to the people on the ground in Iraq.

So when the government members talk about money getting to the people who need it most, they need to understand that in fact in many of these situations, and some of the most grave and serious, it is not getting to the people who need it the most. The government is not sufficiently reacting to that and it is not doing everything in its power to make sure that the money does get through.

● (2230)

Hon. Bill Graham: Mr. Chair, I agree with the hon. member in that I do not think that at this hour of the night we want to get into a debate about too much detail, largely because we do not have all the figures in front of us. I think it would be unfortunate if the hon. member left the impression with the House or with the public that the \$1.3 billion additional in the estimates, not \$1.8 billion but \$1.3 billion, is all about building ships and other matters. It is not. It is about increased salaries for our troops and increased health costs, and there is a considerable amount of that money which will go to this Afghan mission.

The way in which the budgets work, and I think the hon. member should know that, is that when we deploy our troops abroad we always have to come back to the government for the incremental costs of that mission. The Afghan mission will probably cost, to keep 1,000 troops certainly, when we are 1,000 troops abroad, plus the 350, a possible \$600 million or more in order to accomplish that. That will all be achieved by supplementary estimates because that will be the incremental costs of the department.

It is not realistic to suggest that it is just \$500 million of new money to the department this year. There is a great deal more than that. There is a great deal more than that to make sure that the troops are able to do the job that they are doing in Afghanistan as well in other jobs across Canada. That is the importance of the supplementary estimates. That is why I think it is legitimate for us in the House to consider why we should sit until we can get those supplementary estimates passed for the good of our troops but also for the success of our mission and what we intend to ask our troops to do.

Mr. Stockwell Day: Mr. Chair, the Minister of National Defence has indeed not contradicted what I said. I jotted down his comments. He said that the \$1.3 billion is not all about building ships. I did not say it was all about that. I said the lion's share of that is going to an up to 10 year program in terms of upgrading on our frigates and other ships. He said a considerable amount is going to Afghanistan. Any amount is considerable: \$10 million, \$50 million or \$100 million is considerable.

The third area I want to draw out that gives me some concern is that his junior minister said the figure was \$1.8 billion. The minister just corrected him and said no, it was \$1.3 billion. I know that the Liberals have a hard time differentiating large sums of money, but that discrepancy is half a billion dollars.

Here we have the junior would-be minister and the minister. I appreciate the minister's honesty. In my dealings with him, I have found him to be honest. He has just corrected his junior minister to the tune of half a billion dollars. If they are that far apart and they are supposed to be the two who are closest together in terms of working on defence issues, how much are we missing and what discrepancies do we have in other areas? When we raise these figures we are not getting satisfactory answers when these two ministers can have a discrepancy between the two of them of half a billion dollars.

• (2235)

Hon. Bill Graham: Mr. Chair, if I could help the House, of the supplementary estimates there will be \$418 million to fund operational sustainability, equipment, maintenance and infrastructure repairs; \$71 million to support force expansion by 8,000 new personnel; \$278.3 million to cover costs associated with our operations in Afghanistan; \$22 million to cover part of the costs of the Grizzly armoured vehicles in the African mission in Sudan; \$322 million to cover the costs of pay and allowance increases for CF members; and \$28.6 million to fund the remediation or environmental cleanup of federal contaminated sites.

If the hon. member can find in that list the ships which he says constitute the largest amount of the numbers, I challenge him to do it and would be quite surprised.

Mr. Stockwell Day: Mr. Chair, he still has not addressed the issue about this discrepancy of half a billion dollars. That is very significant. He still has not addressed the fact that the lion's share of the purported money, money that the Liberals say they are going to come through with, is extended out to years three, four and five.

We have an initial cut of \$500 million in the first year and \$600 million in the second year, and by saying years three, four and five they are making a great presumption on the voters, who are going to decide on questions related to the government and its ability to contain scandal and corruption. They are going to decide on that in just a few weeks.

I do not want to suggest that the government is holding back on the big money as almost a veiled threat to say, "Vote for us or the big bucks will not roll through". The difference between the present and hopefully soon dearly departed federal Liberals and the government in waiting, the Conservatives, is that we are going to be there now for the troops, now for national defence in all of its scope and breadth, not tossing forward smaller amounts now, but in fact bringing forward the amounts that are going to meet the needs in a

way that will make our troops, their families and Canadians proud. We will be there for them now, not with a vague promise of perhaps four or five years from now.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Chair, I appreciate the opportunity to take part in this very important debate. There is no question in my mind that the mission currently being undertaken by our Canadian Forces in Afghanistan is vitally important for the future of the country and the security of Canada.

Last month, I was fortunate enough to accompany the Minister of National Defence on a trip to Afghanistan. During that trip, I had a first-hand look at the extraordinary work that our dedicated men and women in uniform are doing to help a country that faces some incredible challenges. I saw just how grateful the Afghan people are for the tremendous efforts that Canadians are making to help rebuild their country.

[Translation]

In Kabul, we met several members of the Afghan government including the defence minister, the foreign affairs minister and the rural development minister. We also met President Karzai. During these meetings, we discussed Canada's involvement in Afghanistan not only from a military perspective, but also in the areas of diplomacy and development.

I must say that all the ministers, as well as President Karzai, expressed their deep gratitude to Canada for what we are doing. They see Canada as a true friend to Afghanistan, a friend that is determined to support them during these difficult times.

• (2240)

[English]

We heard very complimentary comments from Afghan officials, local community leaders and ordinary citizens about how the men and women of the Canadian Forces were going out of their way to help people. A British general actually said to our troops that they were an inspiration to other NATO contingents. This is truly something that we should be proud of.

When we were driving in the streets of Kabul on our way to our meetings, I saw a city that does not live in fear. I saw a city where buildings were being reconstructed, where the markets were busy, and where boys and girls both were going to school. I saw a city where people looked to the future with hope.

Our trip to Afghanistan also took us to the southern city of Kandahar, where Canada has deployed a provincial reconstruction team. There we met with Pushtan tribal leaders and with the governor of Kandahar province to discuss Canada's role in bringing stability to the region. The Chief of Defence Staff, General Hillier, also joined us in the ceremony to name the Canadian camp in Kandahar. As members might know, the camp is now known as Camp Nathan Smith, in honour of one of our four Canadian soldiers who lost their lives in an unfortunate incident that occurred at Tarnak Farm in April 2002.

Through its work, the Canadian provincial reconstruction team will help extend the authority and the reach of the Afghan government. By helping to build a just and peaceful society, our team will foster prosperity and improve people's lives.

The multilateral nature of our work in Afghanistan means that Canadian Forces will once more work alongside friends and allies. They will no doubt prove yet again that Canada can be counted on to stay the course and fight against terrorism. By preventing Afghanistan from once again becoming a safe haven for terrorists, the Canadian Forces are not only protecting the people of Afghanistan, they are protecting all Canadians.

The tragedy of September 11, 2001, proved to Canadians that we are vulnerable to the threats of terrorism and the spillover effect from failed and failing states. In today's increasingly interdependent world, domestic security is closely linked to events happening outside our borders. That is why the Government of Canada has made a commitment to respond to a potential threat to Canadian security before it reaches our shores. That is why we are in Afghanistan.

[*Translation*]

In Kabul, as in Kandahar, we spent a lot of time with members of the Canadian Forces. Discussions with these men and women only confirmed what I already knew. These people are very professional and very dedicated. They are open, generous and sensitive to the Afghan culture and to the needs of the local people. They are prepared to take risks and are determined to use their many skills to provide the people of Afghanistan the stability and security they deserve.

Of course I have just as much admiration for the members of our armed forces who support our deployment in Afghanistan from our sustainment base in the region. They also do fantastic work.

[*English*]

When I look at members of the Canadian Forces in Afghanistan, I see a remarkable group of Canadians with the right training, the right equipment and the right leadership, and I can see that they perform an important mission in Afghanistan and for Canada.

I really wish all Canadians could see the fine work that our soldiers are doing, just as I have. We should be proud of the work that our men and women in uniform are doing for us in the rest of the world. The Government of Canada certainly is. That is why it is providing the Canadian Forces with the right equipment and financial resources to allow them to do their job.

In closing, I would like all the troops in Afghanistan to know that even though they may be far from home and far from their families—after talking to the troops I have learned that is probably one of the most difficult things, that time of being away from their children, their wives, their loved ones and many of the things Canadians take for granted—our thoughts, our support and our nation are with them.

• (2245)

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC):

Mr. Chair, again in comment I could not find one word wrong in what the member said. He has praised our troops in Afghanistan and the fine work that they are doing. On this side of the House we agree.

Mr. Anthony Rota: Mr. Chair, I would echo the hon. member's thoughts and also continue on the wonderful work that our troops are doing.

I found it very interesting living with the troops. When we were there we lived in tents, slept on cots and ate with the troops in the morning. Someone earlier said that when we talked to the troops, they would say whatever we wanted to hear because they knew who we were.

I am not a high profile politician or a high profile person in Canada. I would sit down with some of these soldiers who were not familiar with Canadian politics. It was not with the leadership. It was with the average guy in the bottom. We would start to talk, and it was interesting to get their feedback.

Nothing is perfect. In a war zone nothing could be perfect. However, contentment was one of the things that I got from them. They were happy with their situation, considering what was going on. They were content with much of the support they were getting, not only from their leadership, but from their government as well.

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, I have nothing to quarrel with what the hon. member said, except he said one thing that the minister said earlier as well. He referred to failed and failing states in respect of Canadian foreign defence policy.

While I would certainly agree that we have a role with respect to failed and failing states, I am not sure the initial intervention in Afghanistan fits that model. It may have been a state that we did not like. It may have been a state that was sponsoring terrorism. In fact, it was a state that was known to be creating a safe haven for al-Qaeda et cetera.

I think the government is deliberately mixing categories here. If we looked at any definition of what a failed or failing state was, Afghanistan under the Taliban did not qualify. The Taliban controlled the country. They may have had a theocratic regime that we found objectionable with respect to its treatment of women and all kinds of things, but it was not a failed or failing state in the strictest sense of the word.

It is one thing to have a policy on wanting to help failed or failing states. It is another thing to have a policy on Afghanistan. I find it a little confusing. I am not sure if it is a deliberate confusion or whether it is just an urge on the part of the government to fit everything that it is doing into a certain model whether it fits or not.

I would like to register my own objection and that of others. We heard some testimony before the foreign affairs committee recently in Winnipeg. I forget who said it, but essentially it was the same thing. It is one thing to have a policy that addresses failed or failing states, but let us not kid ourselves that Afghanistan fell into that category. Afghanistan may have fallen into another category with which we wanted to deal, but there is room there for different categories.

Mr. Anthony Rota: Mr. Chair, the member brings up a very good point. It is important when we look at different countries around the world and what can be done. It is very important that we look at what we do and how we go in.

Afghanistan was a multilateral action. It was not a situation where one particular country decided with a group of buddies that they would go in and take over. Afghanistan was a multilateral action with the blessing of the UN. That is a very important part of helping a country when we see that movement going in with a sense of multilateralism and other countries going in as well. There is a certain convention in place which allows us to go in and make a difference.

I can honestly attest to the fact that during my visit to Afghanistan I could see the difference that has been made. It was interesting to visit Kabul. When I first arrived, I looked at it and thought it was pretty rough over there. It was pretty hard to take in. Then I went to Kandahar. It is interesting to contrast the two. When I looked at Kandahar, I could see what Kabul was about three years ago. We can see the advances Kabul has made. When one sees Kabul after Kandahar, one realizes the advances that have been made.

With the government structure that is being established, we see a successful state coming together and that is very important. It is not an oppressive state or a dictatorship. It is coming together as a viable democracy.

• (2250)

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Chair, with respect, the member opposite did not address the question raised by the hon. member for Elmwood—Transcona. In fact, federal Liberal policy is blurred on this point.

It goes back to the Prime Minister at the United Nations taking an initiative which we had wanted to be addressed, something called the responsibility to protect. His speech was important to give and to state that this would be a part of Canadian foreign policy and therefore at times possibly a matter of defence policy, defence policy being the operational arm of foreign policy in some cases. Since then there has been neither action nor definition put to that commitment of responsibility to protect. It has been blurred and inconsistent.

The Prime Minister went to Sudan briefly. The wheels touched down, some photos were taken and an unfortunate incident happened, which I am not saying was his fault. A commitment was made about certain vehicles. When those vehicles were sent over, they were tied up by the Sudanese government which did not permit them into the country. When the Prime Minister was talking to the Khartoum regime, he obviously did not have clearance to get these vehicles into the country because they were stopped. They recently have been released and are moving into the country now.

They were released because of actions taken by the Americans not because of anything our government did.

The government takes sporadic and inconsistent action. The reasons for the action have not been clearly articulated. That is why I said at the beginning of my remarks that we support being in Afghanistan, but we have to communicate to our citizens why we are there. We have to tell them why our troops are in harms way.

The fact is Canadians were attacked and killed in New York by a vicious al-Qaeda and Taliban linked regime. We made a decision, along with some other countries, to take pre-emptive action and do what we could to put a stop to this evil and horror before it struck our shores. I believe it has been a noble action. There have been very positive consequences in taking that action. We have caused a barely emerging democracy to gain strength and momentum.

The reasons for it have not been clearly articulated by the government. My colleague's question was about the difference between the action in Afghanistan and emerging democracy with a regime that attacked and killed Canadians. What is the difference between that particular action and one in a so-called failed state?

In talking about failed states, unless we define them, Canadians are not going to know what is expected of them. There has to be predictability to our foreign policy so our allies and enemies can know what to expect from us. It could be said that North Korea is not a failed state because it is functioning. There is order there, but the order has been established by the slaughter and the starvation of millions of people.

Without the definitions being clearly articulated, our own citizens who pay the price with dollars and sometimes pay the price with their lives, our enemies and our allies will become confused and lack the ability to predict how we will respond clearly in different situations.

It is important we ask these questions so we can draw out the answers or if not the answers, at least we can send government members back to the drawing table, scratching their heads and putting more thought into the reasons why we take certain actions in some cases and why we do not in others.

• (2255)

Mr. Anthony Rota: Mr. Chair, the important issue here is the importance to protect. I think that is what we are all striving for. We are trying to protect not only our country, but other countries as well.

Let us take Afghanistan, for example. The whole idea there is to instil some form of civil society, which the Afghan people are well on their way to doing. If they do not have a civil society, but just some kind of group of warlords taking over the country back and forth, it fosters the possibility of terrorism. Terrorism can be exported to other countries, like what happened on September 11, 2001. If we allow them to go ahead and export terrorism, then we have a real problem on our hands.

When we look at the importance to protect, it is not only the importance to protect ourselves, it is important to protect others as well in other countries because it is symbiotic. We cannot just have one group being protected or just create a wall around Canada and say that we will live in our cocoon, do whatever we want, and do heck with everybody else because we do not care. We cannot do that. That does not work. We have to participate as a good citizen of the planet and of the world. We have to be able to participate in different countries.

That allows us to have a civil society that is not threatened by lawlessness in other societies as well, so the civil society that we have will hopefully be reflected somewhere else, not exactly 100%, because we are not there to implement a way of life, but we are there to implement some kind of structure.

We talked about development earlier, some kind of development where we have a stable form of government that allows people to raise their children, grow in a safe environment, and have a family to raise. That is the important part. It is the security that people have in growing in their own community.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Chair, I want to touch on the role of the RCMP, lest it is forgotten, in the provincial reconstruction team and then make a personal comment related to my trip to Afghanistan.

It is both an honour and a privilege to discuss the Canadian police involvement in the provincial reconstruction team in Kandahar led by the Royal Canadian Mounted Police.

As we know, the RCMP has been involved in international peacekeeping and peace building operations since 1989. In the intervening years, the RCMP has coordinated the deployment of over 2,100 Canadian police officers to multilateral assistance missions led by the United Nations and the European Union throughout Africa, Asia, Europe and the Americas.

With this extensive range of experience, police participation in the Canadian international assistance effort in Kandahar, Afghanistan, is especially well situated to support the reconstruction efforts of the provincial reconstruction team, the PRT, under Canada's 3-D approach of diplomacy, defence and development.

The mandate of the Canadian police in the PRT is straightforward. It is to assist in building the capacity of the local Afghan police. In undertaking this police mandate the RCMP leadership will be relying on its model of community policing. This model is tried and tested and is based on the same set of principles as those of government community policing efforts in Canada. In addition, the House should know that the community policing model has been adopted by the United Nations largely based on Canada's success. This is no coincidence.

The Canadian police effort in Kandahar is fundamentally based on establishing good relations between the PRT and the local police. The functions of the Canadian police will involve monitoring, advising and training of local Afghans.

Building good relationships also extends to the international police community who are leading reform in Afghanistan including Germany, the United States and the United Nations assistance

mission for Afghanistan as well as other international partners. This approach presents a unique opportunity to demonstrate Canadian expertise in community based policing which hopefully would be used to shape security sector reforms generally in the country.

Since the involvement of the Canadian police in the PRT, which began in August 2005, police advisers have been involved in gathering information, conducting research, assessing local capabilities and needs as well as monitoring and advising local Afghan police authorities.

Specific undertakings have involved the preparation of training programs which has meant extensive collaboration with Afghan international partners in pursuing the objective of creating a professional police capacity.

Canadian police involvement in the PRT requires particular coordination with the Canadian Forces who are responsible for all security operations in the PRT. By and large the security environment dictates the manner and method of interaction with the local Afghan police and all visits are undertaken via armoured convoy.

Canadian police regularly visit 10 Afghan substations in Kandahar to assess police infrastructure and equipment, and mentoring and training needs. Canadian police are working closely with Canadian Forces military police to implement police mandate and prepare for the delivery of training packages for local police including paramilitary skills required in an environment of active insurgency.

I must also stress that although Canada's policing efforts will be modelled on a community policing theme, the security environment in Kandahar will shift the focus to establishing the rule of law in the short term. To this end the Afghan national police will lean toward a paramilitary culture and will look to the international community for training tools and support to gain the upper hand on pressing peace and security issues.

Progress is being made with international partners working in cooperation with the German police project and an initiative is underway to install and operationalize a 100 emergency call system in Kandahar similar to the 911 system common to North America. This system will be established by the German police project office in Kabul.

These developments to bolster the Afghan national police in Kandahar are achieving results and the ANP, for example, are intending to provide security for a school soccer tournament. They have created a security plan and will be the primary security provider. This event, besides showcasing youth and sport, will illustrate the Afghan national police as protectors of the community. These indeed are important messages.

We are seeing real progress in the Canadian police participation in the PRT which is a key element in the overall Canadian strategy and once again, we commend the RCMP for its great service not only in Canada but, as in this case, in a dangerous situation overseas.

I think our troops in Kandahar are certainly appreciative of the support from all members of the House who have expressed their appreciation for what they do for us.

I would like to close my remarks with a tribute to the peacekeepers over there and those who have fallen, based on the trip when I was there. I would like to begin with the Legion prayer on behalf of my Legion, Branch 254 in Whitehorse:

They shall grow not old, as we that are left grow old;
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.
Lest we forget.

When I was in Afghanistan, I learned the tremendous terror and fear that our peacekeeping troops around the world must go through.

● (2300)

All members of Parliament have spoken at Remembrance Day ceremonies often referring to the second world war, the first world war or Korea, but this situation goes on today, as we are speaking, with our peacekeepers around the world who are in tremendous danger and under stress.

When we fly in there, someone told me we fly over a place with 100 million guns. There are still rockets left over from the Russian war and to know that every minute may be one's last is certainly a life-changing experience for those number of hours the troops are going in there.

Imagine that this is just one trip and how much effect those threats have? Imagine the pilots that ferry people in day in and day out, never knowing when they wake up for work in the morning if the next day is going to be their last.

Once we get there, it is no better. Some people go into town in armoured vehicles, but the Canadian troops are out talking to the people who by and large love them. The troops are building a community for the people, but nevertheless there are elements lurking that want to create havoc and our troops are at extreme risk.

As we arrived at Camp Julien in Kandahar a rocket had just been found. There was pandemonium, I must admit. Our troops responded wonderfully, but even the safest part in their camp was under fire from rockets a couple of hundred yards away.

Unlike many people with dangerous jobs, at least those people go home to their families at night and a safe place. Our soldiers are sleeping in canvas tents that are close to rockets and fire. They do not even know whether they are going to wake up in the morning.

We went by helicopter into one of the provincial reconstruction teams in Gardez. It was not that long ago that the president of Afghanistan went to the same spot and his helicopter was fired at by a rocket. Fortunately it missed.

To meet the president or ministers there, one has to go through rows of 30, 40 or 50 machine guns. How safe is a country like that? These are the types of pressures that our troops are under every day.

Tonight, as we all go home to sleep in our safe beds without major worries, our soldiers will be going to bed in Kandahar and other peacekeeping missions around the world not knowing whether they will rise in the morning.

As civilians, we cannot imagine the type of pressure this must put on these young men and women who are fighting for us. We may wonder why, when we talk to veterans, they do not talk much about the situation. We could not possibly understand. We, who have touched with the tip of our finger quicksand, cannot possibly understand the feeling of soldiers who have been immersed up to their necks for days on end and on the verge of losing everything.

Our troops are going from the safe part in Kabul to Camp Nathan Smith in Kandahar which is an even more dangerous part and our prayers are with them.

Canadians do sense how horrible it is to face death. Look at how tense we get when we see movies of hardened criminals who have murdered someone and see the tension leading up to their death. But that person, even after a horrible crime, only faces that torture once. Think of our troops who face potential death day after day and night after night. These are our young Canadians whose only crime is to fight in order to give freedom to innocent people in a foreign land.

I want to close with this prayer to those Canadian peacekeepers in Afghanistan and elsewhere along with Nathan Smith who have fallen:

They will never know the beauty of this place, see the seasons change, enjoy nature's chorus. All we enjoy we owe to them, men and women, who lie buried in the earth of foreign lands and in the seven seas.

● (2305)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Chair, I want to thank all members for giving their speeches and interventions on this extremely important and serious issue of Afghanistan and the involvement of our Canadian Forces in this endeavour. We wanted to open up the debate so the public would be informed, aware and knowledgeable about not only what our troops are doing but why they are doing it in a place that is so far away and so forlorn.

Above all else, I want to thank not only the Canadian Forces members who are in Afghanistan today and their families who make the supreme sacrifice of giving up their loved ones to work half a world away, but also the Canadian Forces members here in Canada who support our troops far away, the civilian workforce at the Department of National Defence and all of the people who ensure that this very large and important organization in our country, the Canadian Forces and our military, are able to engage in the work they do not only here at home but also abroad.

Our Canadian Forces are true Canadian heroes who exercise their duties with the highest level of professionalism, courage and behaviour. It is something I have witnessed as the Parliamentary Secretary to the Minister of National Defence. I must say that it has been my honour to serve the members in the forces who are the best and finest people our country has to offer.

I want to clear up something that the foreign affairs critic for the Conservative Party mentioned about the amount of moneys being spent. I thought I made myself clear when I said that we put \$500 million into the budget this year for our forces. We now have \$1.3 billion in the supplementary estimates that will only pass if the opposition members allow them to pass.

These moneys include \$418 million for equipment, \$322 million for pay increases and health benefits for our CF members, \$278 million for this Afghanistan operation, and \$71 million for troop expansion because we will be increasing the numbers by 5,000 in the regular forces and 3,000 in the reserves. I want to emphasize that this is merely a down payment for what we will do to strengthen our Canadian Forces.

Why Afghanistan? Many comments were made earlier as to why we are half a world away. The reality is that the country is situated strategically in such an important area. It is surrounded in part by nuclear capable countries, other areas of great uncertainty, particularly the CIS states that are close by, and it is close to the Middle East which is an area of great instability.

Our forces are in Afghanistan because to allow Afghanistan to go back to being a failed state would not only be a regional disaster but an international disaster. We must not forget that the Taliban was in power and that it was an area where the Taliban was supportive of al-Qaeda, the group responsible for terrorist activities around the world. We cannot allow Afghanistan to become a staging point for terrorist activities in the region or, indeed, here in Canada.

We are in Afghanistan with troops from other countries because failed and failing states, as we know, can and do breed terrorist activities. That is what will happen in Afghanistan and that is what did happen. We as part of the international community are determined not to go back down that road.

One of the major dangers and threats to the country, quite frankly, is the fact that more than half of the GDP of the country is due to heroine coming from the production of poppies and opium. We have had some success. Afghanistan has seen a 21% reduction in opium production but there is much more to be done. Warlords get involved which provides insecurity in regions and opens up the country to going back to a failed state. Kabul, the capital, will lose control over the country and all the work we are trying to accomplish at the end of the day to allow Afghanistan and Afghans to maintain control over their country and provide the basic services and a sustainable economy for the long term will be for naught.

• (2310)

There is no doubt that our troops are engaging the Taliban in full combat actions, which is dangerous and their lives are in danger. However we have given them all the equipment and the best equipment they need to do their job. Nothing is perfect and that is an unfortunate situation but they accept those realities. However our job as the government is to ensure they have the personnel, training and equipment to do their job and we have done that. Whatever else they need they will get.

We also need to ensure there is a demobilization of former armed personnel. We need to demobilize and integrate the former troops as part of rag tag rebel groups. We need to reintegrate people who were part of the Taliban in the past. We also need to remove and destroy those weapons because that is part of our role.

We also need to ensure there will be an alternate economy, which is why CIDA is there, and our Canadian Forces are there to ensure that CIDA can work effectively and safely in the country.

We also need to ensure the Afghani people have security on the ground. If we cannot teach and train the Afghani people to have their own viable, effective force to provide security on the ground, we know that without security a country becomes a felled state. Our RCMP officers are doing a yeoman's job of training Afghani police forces but they are not only doing it for Afghanistan. I had the privilege of visiting our RCMP officers in Ahman, Jordan this past summer where they are training Iraqi police forces for Iraq. Without effective police forces on the ground, a country cannot have a sustainable economy.

Comments were made earlier today about the need for troops in Afghanistan. Afghanistan has one of the worst education systems and one of the worst health care systems in the world but a committed population that wants to change that and a committed international cadre of countries that also want to change that.

It is, as I said, a very dangerous mission, but it is one that we must succeed in at the end of the day, which is why our troops are on the ground. It is all part of, as we heard before, the three Ds.

One of the previous speakers wondered why so much investment had been put into our military and somehow suggested that all that work was combat. It is not. Part of it certainly is, but on the sharp edge of where our forces are in Kandahar, where there are insurgents, where the lives of our troops are in danger and where we are trying to give Afghans a secure health care system and a better economy, then our troops need the combat capabilities to do their job. They will be engaged against these insurgents. Some of our allies have been murdered in Kabul through bombs. These are ongoing and omnipresent threats to our troops. Our responsibility as the government is to do all we can to ensure our troops are protected while they are there and that is our commitment. We can do no less.

Comments have been trotted out about the under-investment in our Canadian Forces. I freely admit that historically our Canadian Forces have been underfunded and the investment has not gone into them as it should have. However we have turned a significant corner over the last year and we have managed to put nearly \$13 billion into our armed forces over five years. The reason it is ramping up is that we have the agreement of the Chief of the Defence Staff that those moneys will be given to the forces in a way that those moneys can be used effectively. The \$1.3 billion in the supplementary estimates right now are for extra needs that the forces can use immediately.

• (2315)

In closing, I want to again thank our Canadian Forces for the work they are doing abroad and at home. On behalf of all Canadians, we honour the commitments they make for our country and their courage and bravery. We give thanks to those veterans who served before, as we just did on November 11. They are Canadian heroes.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Chair, at times in this chamber there is a happy coincidence of views on some broad issues. What we have heard tonight is that all members of all parties are supportive of the decision to have our troops in Afghanistan for reasons stated throughout the evening, which I will not cover again.

Just as Canadians have proven themselves on the field of battle and on the humanitarian field, Canadians, especially when related to our armed forces, have proven themselves to be courageous, to be willing to sacrifice to the ultimate and to be willing to do what has to be done to preserve human rights, individual freedoms and democracy. Canadians have stood proud and our troops in Afghanistan tonight are proudly doing what they are called upon to do. They are doing it with professionalism and with an eye to the future because they really do believe that an emerging democracy in Afghanistan will be of huge benefit to the people there and in fact to the world. We give the greatest credit to our troops that are there.

However the question that still has not been answered concerns the consistency in the federal government's foreign policy. I want to put the question again because I asked it on a couple of occasions earlier tonight and did not receive an answer. One of my colleagues from the NDP asked a similar question and we did not receive a consistent answer.

As I said before, Canadian citizens, our friends, our allies and our enemies need to know where we stand on different issues. There needs to be predictability in our policy.

If we look back to 1999, Canadian troops were involved in Kosovo. Canadian pilots dropped bombs on Kosovo and killed people. They were joined by other forces, predominantly NATO forces, and they did so because a genocide was unfolding before our eyes. Milosevic at that point was responsible for the slaughter of some 8,000 people and counting, and there had to be intervention. Our troops, along with other troops, bravely did what had to be done to stop what was already horrific enough with 8,000 slaughtered.

In 1999, without the approval of the UN Security Council, we supported our troops taking military action in Kosovo and yet, if we hit the playback button and go back five years earlier to Rwanda, our general on the ground in Rwanda was literally begging for intervention because he foresaw what was about to become one of the most horrific genocides of the 20th century of over a million people mainly macheted and axed to death. Where was Canadian foreign policy then?

The UN could not get its act together, just as it could not get its act together related to Kosovo, but through NATO, Canada took the leadership role in saying that we had to intervene in Kosovo but we failed in Rwanda. This is what I am talking about in terms of the inconsistency of policy.

Let us hit the fast forward button and look to Iraq and the situation there. We went into Kosovo when 8,000 people had been slaughtered. In Iraq, Saddam Hussein had slaughtered, according to the shallow graves found by the Red Cross, some 300,000 people and he had a history of invading other countries. He invaded Kuwait and Iran. He sent Scud missiles into Israel and said that he wanted to wipe Israel off the map and yet we made a decision not to go into Iraq.

● (2320)

I will say it was not the position of the Conservative Party at that time to go into Iraq. We did say we should have our ships in the Persian Gulf because there were Canadians involved in Iraq with American troops. The federal government denied that for quite a

period of time. In fact, because we put pressure on the government, it finally acknowledged that there were Canadian soldiers fighting in Iraq. We said we needed to be there to support our troops if we have to get them out. We never did say be part of the invasion, the pre-emptive action into Iraq.

I am asking a question in terms of consistency of policy. Why would the federal government say yes to Kosovo? It said yes, we will go into Kosovo, yes, we will bomb people, yes, we must kill people because 8,000 have been slaughtered, but 300,000 were slaughtered in Iraq and our government said no.

Then we jump to Sudan and what is going on there because of the extremist Islamic front out of Khartoum. The Janjaweed warriors still have free rein. They are slaughtering people, killing, raping. It is estimated now that there are some four million Sudanese and Darfur refugees in Egypt alone, yet our government is not saying we have to go in there.

The Security Council will not give approval because China sits there and China has significant oil interests related to Sudan. The Security Council is not going to do it.

Again I come back to the question, we said yes in Kosovo without Security Council approval and 8,000 people had been slaughtered. In Sudan right now in Darfur it is estimated that 8,000 people every two weeks are being slaughtered, but we sit idle. We are not out trying to put together a multilateral force to go in. The African Union is reticent to take on their own brothers.

Our military vehicles get held up and we do not protest. These are military vehicles that we had committed to go into Sudan, but the Prime Minister had not received clearance. He did not even bother to get clearance from the Khartoum regime. It was only as a result of American action a couple of days ago that those vehicles have been released.

As we close out the debate tonight, we are still asking for an explanation of this inconsistency in policy. As I say that, I do not want there to be any mistake that we are supportive of our troops being in Afghanistan and what they are doing there, but someone has to explain the inconsistency in policy to us.

● (2325)

Hon. Keith Martin: Mr. Chair, I am glad that the Conservative foreign affairs critic has brought up this vexing and challenging foreign policy problem. It is one of the major challenges the world faces today, but I want to take some of his comments out piece by piece.

In Kosovo we were part of NATO. NATO decided to prevent a larger conflagration as to what happened in the other parts of the former Yugoslavia and in particular in Bosnia-Herzegovina and in Croatia. To prevent that we joined the NATO force and we did bomb. Our pilots did an extraordinary job.

With respect to the African Union in Sudan, the member is quite right. This is a massive problem. We have said to the African Union that we will give them what they want and need to not only prevent what is going on in Darfur but also to increase security in the south. One of our senators did an extraordinary job in working with other countries to secure and terminate an 18 year conflict in the south that killed two million people and created four million displaced persons. Canada was directly involved in brokering that peace accord.

We have not succeeded in Darfur. As the Conservative critic said, people are still being murdered. Rapes are still occurring. It is the government in Khartoum that is directly responsible for instigating that problem.

We have offered Grizzlies and military expertise to the African Union. Some of our troops are there right now. We will offer more, but the African Union has to say yes because we want to work with them. It is their responsibility to sort this out, but we will help them. We have said very clearly that we will be there, that we want to be there to help them save lives on the ground in that country that has suffered so much.

On the issue of Iraq, the member knows full well that his party wanted to go into Iraq and wanted to send our troops into Iraq. That is well known. He knows that and I know that. That was his party's decision. We know now that marching into Iraq would have been a disaster because it is a disaster right now. Our party, the government, would not have done that. We would have continued to support the United Nations' sequestering of Saddam Hussein and to move along with a continued investigation and search for weapons of mass destruction that we know do not exist.

Lastly, on the responsibility to protect, it was this government and the Prime Minister who forced the responsibility to protect doctrine at the United Nations this year. Through our diplomats at foreign affairs and our entire service at the United Nations, including our ambassador, Mr. Rock, we forced on the table the responsibility to protect. Is that enough? No, because the RTP must be something more. There must not only be a responsibility to protect but there must be an obligation to act.

It was Canada that put on the board the responsibility to protect in the United Nations and which is now a pillar of foreign policy in that organization that needs so much reform. It needs change. It needs to adapt and it needs to become effective. I think the hon. member would agree that the next step we must take is we must add to the responsibility to protect an obligation to act, a rules based mechanism to prevent and save lives in the face of genocide.

From Raphaël Lemkin until today one of the greatest failings of the international community has been not to stand up, take action and save lives in the face of a genocide. From World War II to Cambodia, Rwanda, the Congo, the Sudan, Sierra Leone and on and on it goes, the world has failed to act to save lives in the face of despots and their cronies who are willing to kill and murder people.

We have taken a strong step forward in trying to put the focus of the international community on saving lives and preventing conflict. That is the future. That is where our foreign policy is going. That is our challenge not only as Canadians but as Canada is a member of the international community.

● (2330)

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Chair, the issue before us immediately is one of consistency of foreign policy. Foreign policy, as I stated earlier, is what should guide national defence and armed forces policy.

I heard comments from a junior minister of the crown. It sounded like a new policy. I posed some questions about the inconsistency of foreign policy and why we said yes in Kosovo, which we supported. Our troops did an admirable feat there. Our pilots flew incredible missions. They flew those missions with substandard communications in their aircraft. Pilots have told me that in those years, and I hope they are moving to upgrade, they would have better contact capabilities in their cellphones than with the substandard communications devices in their aircraft.

However, it was the policy of the government to intervene in a military action in Kosovo, to bomb people and kill them to stop a genocide that was taking place, and we supported that. Yet the government would not take action in Rwanda. When I put the question as to why have we not been equally robust in terms of wanting to do something to stop the horrific events that are taking place in Sudan, I heard from the junior minister of defence that we would only go in there if the African Union agreed.

That sounds like a new policy to me. I will ask the minister to defend that, not just today, but tomorrow also. This is a new policy. This is the first I have heard this articulation that we will not go into Sudan unless the African Union agrees. What does that mean, that the slaughterer can just continue? That the African Union now has more precedent than possibly the United Nations or NATO? This is the first time I have heard that. It is a striking new policy and we will be asking questions on it.

In terms of Iraq, I do not want to keep on with a he said, she said situation, but I would challenge the minister to show any document or any statement where the Conservative government said that we must go into Iraq. We supported the liberation of the people of Iraq, as did many countries that were not militarily involved. We wanted to make sure that we had logistical requirements from the navy in the Persian Gulf in case our soldiers who were in Iraq needed support. The government denied they were in there, but it finally admitted that our soldiers, with Americans, were fighting in Iraq, even though the government never agreed to send them in. We simply said that if anything, they needed to have support, some backup in the Persian Gulf. I will ask that minister to table documents that say anywhere in any of our policy documents that we should have troops in Iraq, because we never did say that.

The question still comes back to him. He said the reason the government decided not to go into Iraq was that there were no weapons of mass destruction. We have a new policy again. This is very interesting. If a country does not have weapons of mass destruction, then it should be left alone. Is that why we did not get involved in Rwanda? There were no weapons of mass destruction there. We got involved in Kosovo. There were no weapons of mass destruction, although Milosevic, it could be suggested, was in and of himself a weapon of mass destruction.

Is it now the policy that if a country has weapons of mass destruction it could be a target of Canadian military force? North Korea has weapons of mass destruction, yet there is no Canadian intervention there, thankfully, because we do not have the fire power to do it. Is this the new criteria now? If a country has weapons of mass destruction, it will be a target. If it does not, we will let it off.

The African Union says do not go into a country where genocide is being poured out upon the people. If the African Union says no, we do not go. Is that the new policy?

• (2335)

I do not expect the member opposite to have all these answers tonight. As a matter of fact, the amassed brain trust of his government does not have the answers, but I also would caution him about articulating new policy, as he has done tonight.

We will find out perhaps tomorrow or in ensuing days if other members of cabinet agree with this new policy. We do not help out in a military way in an African country if the African Union says no. It is inconsistent. That is the only point I am raising here. We could belabour it well into the midnight hour. I am not sure what the rules are, but perhaps we could go beyond that if there is unanimous consent of members present. I am just pointing out these serious inconsistencies.

I would ask the member opposite to consult with his cabinet colleagues and come forward with a consistent policy so that, as I have said before, Canadians will know what can be expected in certain contingencies, our allies will know where we are going to be on certain issues, and certainly our enemies will know when we are going to respond and when we are not going to respond.

The Deputy Chair: Prior to going to questions and comments, I just want to note that the motion that was adopted for tonight's debate clearly states that no quorum calls, dilatory motions or requests for unanimous consent be received by the Speaker. I have a suspicion that this was done to protect the Speaker.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Chair, I welcome the comments from the Conservative foreign affairs critic on the issue of Sudan. He has not provided any solutions to the terrible conflicts affecting its people, but I want to reiterate for him what Canada is doing in trying to resolve this issue.

We have taken three major courses of action. First, we have used our diplomatic tools. Our diplomats have tried to resolve this issue at every venue possible. We have engaged the United Nations. We have engaged the African Union. We are trying to support the African Union, which morphed out of the Organization of African Unity, its extremely ineffective predecessor. At the end of the day, Africa and

other countries must get together to solve the problems in their own backyards. That is what they want to do. Canadians and this government are very supportive of that.

We have supplied diplomatic tools for the Sudan. We have put pressure on every venue to try to end this problem, including the government in Khartoum. We have provided considerable aid and development moneys to the Sudan, not only to the country at large but also in the south. The government has also provided military assistance in terms of troops, equipment and training.

If the member is somehow suggesting that Canada should march into Sudan, the second largest country on the African continent, and put our troops in that particular environment, I have to tell him that we would be making an absolutely disastrous mistake. Our troops would suffer terrible casualties. We would be walking into a military catastrophe. We would be making things not better but worse all around.

We are committed to trying to resolve this issue through every way possible. The group that has been tasked to try to resolve this is the African Union. The member should understand that this organization wants to take this issue on. It is trying to take it on. Canada and our military are supporting the African Union and has offered any support it requires. We will continue to work with it.

Does the member not acknowledge the fact that Canada is doing all of these things? Is he suggesting that Canada send a contingent of peacemaking troops into the Sudan? If so, how many people would he suggest we send?

• (2340)

Mr. Stockwell Day: Mr. Chair, as averse as I am to redundancy and repetition, I will simply restate the dilemma. The government has not answered the question of inconsistent policy in these situations.

I will say it again. We went into Kosovo, bombing and killing, to stop a genocide. We would not go into Rwanda. There was no African Union at that time saying that we could not. For all the reasons articulated, we have stayed out of Sudan.

We are not the government. We are saying to the government that there are some areas where the government is saying, "Let us get in there and bomb and kill and invade". In other areas, the genocide is even more horrific, as it is in Sudan. More people are dying in Sudan. The Islamic Janjaweed warriors are killing more people than Milosevic ever did and we did not wait for permission from a few surrounding neighbours in that Balkan contest. I am simply asking the question: where is the policy?

The Prime Minister talked about the responsibility to protect. We have to admit that we are not protecting the people in Sudan. We are not protecting the people in Darfur. Depending on whose estimate one goes with, they are still being killed at a rate of anywhere from 1,000 to 2,000 people a week. That does not even count the massive population displacement as people flee, running for their lives.

That is the dilemma we have. We have a situation in which the government is not able to explain to us a coherent, consistent policy related to when we go in to help or when we go in with military action. The government made a decision to go into Afghanistan and we support that, but where is the consistency in policy? Why yes to Afghanistan and no to Rwanda? Why yes to Kosovo and no to the people in Sudan and Darfur?

There is no cogent explanation coming forward. As I said before, I do not expect the minister to be able to articulate policy which in fact has not even been developed. It is a dilemma and it needs to be settled. It is something that a Conservative government would put before the people of Canada in open debate in Parliament before a decision would be made. There would be a consistent and coherent policy so that Canadians would know what to expect, our allies would know what to expect and our enemies would know what to expect.

We can do a to and fro on this all night. I am simply saying that it is a dilemma. I am not blaming the minister for the dilemma. I am saying that it exists and that no coherent, consistent policy has been articulated.

● (2345)

Hon. Keith Martin: Mr. Chair, I would like to address my colleague on a couple of points that he made about consistency in policy. Our policy of combined defence, development, trade and foreign policy is encompassed in our international policy statement, which anyone can read on the Department of Foreign Affairs or the Department of National Defence websites. The international policy statement clearly articulates what Canada's overarching policies are, be they in defence or foreign affairs.

I understand the issue that he has brought forward in regard to why some countries are dealt with in certain ways and others are not, but I think I can best articulate it if I summarize what we as a government try to do when countries are in need. We try to do what we can where we can. Is he suggesting that somehow we need to have a more robust involvement in the Sudan, a country, I might add, that by any stretch of the imagination we are not neglecting? We have our diplomats involved. We have our international development arm involved. We have our military involved.

If the member is suggesting that we march troops into the Sudan to end the conflict there, let me put that into perspective. In Iraq, I think the U.S. now has slightly over 100,000 troops. It is a country much smaller than Sudan. As for the actual estimates on the part of generals who advised President Bush when he was deciding to go into Iraq, he was warned that he would need more than three times the amount of those troops in order to stabilize Iraq, a much smaller country. Let us do the math. The United States needed more than 300,000 troops to stabilize Iraq, not 100,000 troops, and it is a country that is much smaller than Sudan.

Obviously we as a country cannot put that kind of troop involvement in there, but what I am saying to the hon. member is that we are trying to use every tool in our box to bring stability to that country and prevent the killings, which the member quite rightly mentioned are occurring today. We would like the international community and particularly the African Union and those countries that are part of that to make the commitments, get involved and put

the pressure on Khartoum or, quite frankly, take the actions that are required to stop the killings and the mass rapes.

They need to do that in other countries. For example, there is Zimbabwe, where Robert Mugabe is committing awful atrocities. Why is South Africa not getting involved in stopping Robert Mugabe when it could do that in a few days by simply turning off the energy tap? Why does it not choke off his supply of resources and prevent that thug from murdering his people in a country that was once very beautiful and stable? He has destroyed a country.

On the continent of Africa, we need African countries and African leaders to say goodbye to the past and hello to the future and engage some of their leaders on the continent who are engaging in such behaviour. I will add the government of Khartoum to this collection of cabals of thugs, murderers and pathological liars who are murdering their citizens for their own gain. The African Union has to get involved.

In closing, let me say that we will support them in trying to build stability on the continent. I want to emphasize for the hon. member that we have put in a significant doubling of aid to Africa.

My question for the member is quite simple. He criticizes us for our policies, which are articulated in the IPS. Since we are going into an election very soon, what is the Conservative Party's policy toward Sudan? What specifically would he do as the current foreign affairs critic? What would he and his Conservative Party do to stop the killing in Sudan if they were in government? I would like to hear specifics from the hon. Conservative foreign affairs critic. What specific solutions would he provide tomorrow as the Conservative foreign affairs minister?

● (2350)

Mr. Stockwell Day: Mr. Chair, a number of things, one of which would be to take a leadership role, as Canada did related to Kosovo. We would talk with other countries and determine at what point should we enact this policy, which was correctly brought into the United Nations in terms of responsibility to protect.

The Prime Minister is not doing that. He is not taking leadership, meeting with other world leaders and saying, "Something has to be done. We're willing to take some kind of action. Who else is going to join in?" He flew over there some months ago, wheels touched down literally long enough for some photo ops and he took off again without securing a commitment from the Khartoum regime to allow the military vehicles we were offering to go into that area. We would be showing leadership.

When I was at the United Nations as an opposition member several months ago, I approached the representative of the Khartoum regime. I asked him what he was doing about the crisis in Sudan. His response was, "What crisis?" The Khartoum regime is in total denial that there is even a crisis. Thousands of people are being killed monthly.

We would be showing leadership. We would not be satisfied with a photo op in Khartoum and then lift the wheels and take off again. The government fails to show leadership.

He talked about the international policy statement. It is filled with inconsistencies. He talked about trade issues and other things that were talk about in the international policy statement. Nowhere in that international policy statement does it suggest what should be done in Sudan. Certainly nowhere does it suggest that we will stay out of Sudan as long as the African Union says we cannot go in. This is a new policy that has been articulated tonight.

We are bouncing around back and forth here, playing the proverbial game of parliamentary ping-pong. There cannot be any clear winner because he and I are alone in the debate at this point.

I still will maintain that there is no consistent policy. I have gone through the international policy statement from cover to cover and read it carefully. There is nothing that says at what point shall we enter Sudan.

The minister said that the government had diplomats there and that they were intervening. With all due respect to our diplomats, they are not standing in front of the machine guns and the helicopter gun ships that raid through the areas of the south and into Darfur, slaughtering and panicking entire villages. They are not standing in front of the riders on horseback of the Janjaweed warriors who come screaming into villages and small towns, literally raping and pillaging like the barbaric madmen they are.

Our diplomats, quite rightly, cannot stand in front of that, but Canada could be taking a stand, with other nations at the United Nations, in a vigorous way and saying that there must be some action we can take here, that there must be something we can do.

When the other African nations are suggesting that they do not want any involvement, that they want to let the slaughter continue, what is our response? Our response for instance with Ethiopia was to continue to send them money by the millions. When that country right now teeters on disaster and on crisis, \$100 million is sent into that country with warnings from the NGO groups. They have said not to send it the regime.

In terms of foreign policy, which then is a guide to defence policy, this year we are giving more money government to government, more money to regimes proportionately and less to the NGOs. The NGOs are the non-government organizations on the ground in these countries where the suffering is. They know that if we let that money flow through the filter of the regimes precious little, if any, will get to the people most in need. The international policy statement does not address that. There are huge inconsistencies there.

• (2355)

Ours would be a coherent policy. I can say without any hesitation that when it comes to aid, and the member talked about aid going to people and countries in need, we would look very seriously at the amount of money that is going government to government and the amount of money that is going to regimes instead of the NGOs. There is nothing in the international policy statement that gives a reason or any kind of rationalization why proportionately this year less money in aid is going to the NGOs and more money is going government to government.

If we want to talk about military concerns, there is nothing in the international policy statement that explains why we continue to give dollars in aid to communist China. China has been one of the single

largest recipients of foreign aid over the last 10 years. China has a huge, rapidly expanding economy. It is the third largest and most powerful military in the world. It has a space program. It just completed a \$100 billion oil and gas deal with Iran. Iran has made a commitment to wipe Israel off the map and to kill all Jews. China, this huge economic force, this giant military force, lines up its 400 missiles along the straits of Taiwan because Taiwan is debating an issue about its future.

Over the last 10 years we have given China over \$1 billion. I am using that example and the inconsistency related to intervention. Could the member explain giving \$1 billion to China, one of the strongest nations in the world and one of the most aggressive, military nations?

The member opposite mentioned Zimbabwe. China has very close relations with Zimbabwe, which has a regime that is destroying its own country. It is ruining the economy and devastating the agriculture sector. China is drawing close linkages with it, which is its right to do, but we are helping it, maybe in a minor way. We are financing \$1 billion. The member cannot give me an answer to that.

There is another \$50 million in another program that was just announced two weeks ago, giving more money to China. I also would ask the member to explain that inconsistency.

Hon. Keith Martin: Mr. Chair, I want to clear something up because it is almost midnight. I have to address this to the Conservative foreign affairs critic who I asked a very simple question of at the end of his speech. The question was what would the Conservative foreign affairs critic and a Conservative government do with respect to the Sudan. He said that they would talk to other countries. They would bring this up at UN.

We have done all of that. We have also employed CIDA to provide development moneys on the ground. We have provided 100 armoured vehicles for which the African Union has asked, plus another 5 transport vehicles, or 105 vehicles in total. We have provided moneys for training of African Union troops. We have told them to let us know what they require and we will do our best to fulfill those needs. That is all that the African Union has asked of us. That is what we would do along with our diplomatic initiatives.

We have fulfilled what is in the international policy statement. What we have not heard are any coherent solutions whatsoever from the Conservative Party. That is quite frightening given the fact that we will be going to into an election in the next couple of weeks. If by some chance the member became the foreign affairs minister of Canada, with respect to the Sudan, he would talk to other countries and he would bring this up at the UN.

The Government of Canada has done that and much more, and I will not repeat it. However, the Canadian public should know that we have a plan. We are enacting that plan. It is a living, breathing plan on which we will continue to work. We will work with the African Union to try to resolve the issue in Sudan and save the lives of the people. People are being murdered there right now.

The Conservative Party does not have a plan whatsoever other than to talk to other countries.

It is a complex situation in the Sudan. It not only involves Darfur but also southern Sudan and the eastern part of the Sudan, which is ready to blow up. That does not excuse inaction by anyone, but we are doing all we can right now at the United Nations, at the African Union and mobilizing European countries to get involved and to put pressure in every which way to try to save lives in that country.

I hope that within my lifetime we will see a day when we will truly be able to prevent genocides and conflict before they happen and save lives.

● (2400)

Mr. Stockwell Day: Mr. Chair, I do not know how much clearer I can make it. The inconsistencies to which I have alluded have not been addressed here tonight, why we said no to Rwanda and let millions die; why we said yes to Kosovo when 8,000 had died; and why we say no to Sudan when people are dying at the rate of at least 1,000 a week. There are no answers to that inconsistency.

I ask a pointed question in terms of foreign aid. With China's regrettable human rights record, where Christians are being persecuted, Falun Gong followers are being persecuted, and journalists who speak out against the government are being persecuted, why do we continue to give Communist China foreign aid dollars when other countries are so desperately in need? There is no answer from the government on why we continue to do that.

The Conservative policy would be to take a leadership role in enjoining other nations to approach the African Union in a cohesive way and use all our persuasive abilities to bring a constant spotlight on the problem in Sudan and Darfur. Then the African Union could not back away from the issue. It would be under a world spotlight. We know from past performance that when organizations are under

the spotlight or under global pressure that they do eventually come around.

The member has suggested that if the African Union says no that we just back off. That is not a policy I can support. Clearly, that would not be Conservative Party policy.

The federal Liberals have not shown leadership on this issue. Perhaps they are afraid of offending China. China continues to veto any kind of intervention. It does not have to be a military assault, but only a presence of military resources protecting the villages that are being assaulted.

Mr. Chair, you and your team have been patient tonight, as have members. Regardless of the contentious nature of these issues, I think debate has been relatively respectful.

I would respectfully submit that the question of inconsistency has not been settled tonight. We would work to settle that and provide consistent, coherent and cogent policy for Canadians.

● (2405)

[*Translation*]

The Deputy Chair: It being 12:05 a.m., pursuant to order made Monday, November 14, 2005, under the provisions of Standing Order 53(1), the committee will rise and I will leave the chair.

(Government Business No. 21 reported)

[*English*]

The Acting Speaker (Mr. Marcel Proulx): This House stands adjourned until later this day at 2 p.m. pursuant to Standing Order 24 (1).

(The House adjourned at 12:05 a.m.)

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